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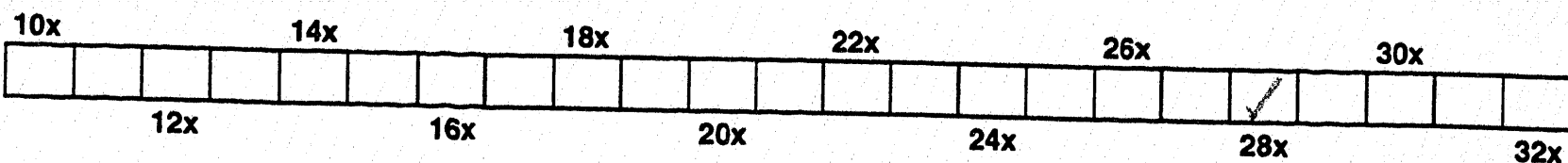
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JOURNAL.

—◆—
House of Assembly.

—◆—
SESS. 1837-8.



W. H. Thompson

JOURNAL

OF THE

HOUSE OF ASSEMBLY

OF

Upper Canada:

From Twenty-eighth day of December, 1837, to Sixth day of March, 1838,
(BOTH DAYS INCLUSIVE.)

IN THE FIRST YEAR OF THE REIGN OF
QUEEN VICTORIA;

BEING THE

THIRD SESSION OF THE THIRTEENTH PROVINCIAL PARLIAMENT.

HENRY RUTTAN AND ALLAN NAPIER MACNAB, ESQUIRES, SPEAKERS.

Session 1837-8.



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

TORONTO:

JOS. H. LAWRENCE, PRINTER, GUARDIAN OFFICE.

1838.



R U L E S

FOR THE GUIDANCE OF PROCEEDINGS

IN THE

HOUSE OF ASSEMBLY.

MEETINGS AND ADJOURNMENTS OF THE HOUSE.

- RESOLVED**,—That this House do meet at Ten o'clock, A. M.; and if at that hour there is not a quorum, the Speaker may take the Chair and adjourn.
- II.—That when the House adjourns, the Members shall keep their seats until the Speaker leaves the Chair.
- III.—That whenever an adjournment takes place for want of a quorum, the hour at which such adjournment is made, and the names of the Members present, shall be inserted in the Journals.

QUORUM.

- IV.—That twenty-three Members, including the Speaker, shall form a Quorum.

MINUTES.

- V.—That every day, immediately after the Speaker shall have taken the Chair, the Minutes of the preceding day shall be read by the Clerk, to the end that any mistake therein may be corrected by the House.
- VI.—That during the reading of the Minutes the doors shall be closed.

S P E A K E R.

- VII.—That the Speaker shall preserve order and decorum, and decide questions of order, subject to an appeal to the House.
- VIII.—That the Speaker shall take the Chair when Black Rod is at the door.
- IX.—That the Speaker shall not take part in any debate, or vote, unless the House shall be equally divided, in which case he may give his reasons for so voting, standing, uncovered.
- X.—That when the Speaker is called upon to decide a point of order or practice, he shall state the Rule applicable to the case.

M E M B E R S.

- XI.—That every Member, previous to his speaking to any question or motion, shall rise from his seat, uncovered, and address himself to the Speaker.
- XII.—That when two or more Members rise at once, the Speaker shall name the Member who is first to speak, subject to appeal to the House.
- XIII.—That every Member, who shall be present when a question is put, shall vote thereon, unless the House shall excuse him, or unless he be personally interested in the question; (provided such interest is resolvable into a personal pecuniary profit, or such as is peculiar to the Member, and not in common with the interest of the subject at large,) in which case he shall not vote.

- XIV.—When the Speaker is putting a question, no Member shall walk out of, or across, the house; nor when a Member is speaking shall any other Members hold discourse which may interrupt him, nor pass between him and the Chair.
- XV.—That a member called to order shall sit down, unless permitted to explain, and all debate on the question of order shall take place before the decision of the Speaker.
- XVI.—That no member shall speak beside the question in debate.
- XVII.—That any member may, of right, require the question or motion in discussion to be read for his information, at any time during the debate, but not so as to interrupt a member speaking.
- XVIII.—That no member, other than the one proposing a question or motion, (who shall be permitted a reply,) shall speak more than once on the same, without leave of the house, except in explanation of a material part of his speech which may have been misconceived, but then he is not to introduce new matter.
- XIX.—That any member may, at any time, desire the house to be cleared of strangers, and the Speaker shall immediately give directions to the Serjeant-at-Arms to do so, without debate.

LEGISLATIVE COUNCIL.

- XX.—That the Master-in-Chancery, attending the Legislative Council, be received as their messenger at the Clerk's table, where he shall deliver such message as he is charged with.
- XXI.—That all messages from this House to the Legislative Council be sent by two members, to be named by the Speaker, accompanied by the Serjeant-at-Arms.
- XXII.—That when the House shall judge it necessary to request a conference with the Legislative Council, the reasons to be given by this house upon the subject of the conference shall be prepared and agreed to by the house before the messengers shall be appointed to make the said request.

COMMITTEE.

- XXIII.—That the Rules of the House shall be observed in Committee of the whole, so far as they may be applicable, except the Rule limiting the times of speaking.
- XXIV.—That in forming a Committee of the whole House, before leaving the Chair, the Speaker shall appoint a Chairman to preside, who shall immediately take the Chair, without argument or comment.
- XXV.—That every member who shall introduce a bill, petition, or motion upon any subject which may be referred to a committee, shall be one of the committee without being named by the house, except in cases of controverted elections.
- XXVI.—That of the number of members appointed to compose a committee such number thereof as shall be equal to a majority of the whole number chosen shall be a quorum competent to proceed to business, (except in Election Committees,) where the number, to form such quorum, shall not be specially fixed by the house.
- XXVII.—That in a Committee of the whole House, a motion that the Chairman leave the Chair shall always be in order, and take precedence of every other motion; and that when the motion is made on account of any question of order or privilege arising, the Speaker shall resume the Chair, without discussion or vote of the committee.

XXVIII.—That in a Committee of the whole House, all motions relating to the matter under consideration shall be put in the order in which they are proposed.

XXIX.—That the mode of appointing a Special Committee, consisting of more than five members, shall be, first, to determine the number of which it shall consist; then each member shall write on a slip of paper the names of as many members as are to form such committee, and deliver the same to the Clerk, who shall thereupon examine the said lists, and report to the Speaker, for the information of the house, who have most voices in their favour; and if any difficulty should arise, by two or more having an equal number of voices, the sense of the house shall be taken as to the preference.

YEAS AND NAYS.

XXX.—That the Yeas and Nays shall be taken, and entered on the Minutes at the request of any one member.

MOTIONS AND QUESTIONS.

XXXI.—That one day's notice shall be given of all motions for introducing new matter, other than matters of privilege and bringing up petitions.

XXXII.—That a motion to adjourn shall always be in order.

XXXIII.—That after a motion is read by the Speaker, it shall be deemed to be in the possession of the house, but may be withdrawn at any time before decision or amendment, with permission of the house.

XXXIV.—That a motion for commitment, until it is decided, shall preclude all amendment of the main question.

AID AND SUPPLY.

XXXV.—That if any motion be made for any public aid, subsidy, duty or charge upon the people, the consideration and debate thereon shall not presently be entered upon, but adjourned till such further day as the house shall think fit to appoint, and shall be referred to a Committee of the whole House, and their opinion reported, before any resolution or vote of the house do pass thereupon.

BILLS.

XXXVI.—That when a Bill or Petition is read in the house, the Clerk shall certify the readings, and the time, on the back thereof.

XXXVII.—That every Bill shall be read twice before it is committed, and engrossed and read a third time before it is sent up to the Legislative Council for concurrence.

XXXVIII.—That when any Bill shall be brought down to this house from the Honourable the Legislative Council, or when any Bill sent up from this house to the Legislative Council, shall be returned with amendments, such Bill so brought down, or the amendments, shall undergo the same readings and formal consideration, and the same shall be committed and be subjected to the same order, form, and stages as are observed upon Bills originating in this house.

XXXIX.—That every public Bill shall be introduced by a motion for leave, specifying the object of the Bill; or by a motion to appoint a committee to prepare and bring it in; or by an order of the house on the report of a committee; and that every private Bill shall be founded on a petition, notice of the intention of the Petitioners having been inserted in the Upper Canada Gazette, for the period of six months previous to the meeting of the Legislature.

XL.—That no Bill brought into this house, shall have more than one reading on the same day.

PETITIONS.

XLI.—That all Petitions to be introduced, shall be brought in immediately after the Minutes are read; and that such Petitions shall be read by the Clerk, after the third reading of any Bills that may stand for that purpose on the order of the day; provided such Petitions shall have lain on the table two days.

ORDERS OF THE DAY.

XLII.—That all Orders of the Day, which, by reason of any adjournment, shall not have been proceeded upon, shall be considered as postponed, till the next day on which the house shall sit, and shall stand first on the Order of the Day, after the third reading of Bills and Addresses, and reading of Petitions.

ACCOUNTS.

XLIII.—That all accounts which shall in future be presented by any individual for work or labour done, or for articles furnished for the use of this house, shall be sworn to, and the affidavit specify that the charges therein contained are the usual charges, and the commonly received prices for such work and labour, or for such articles furnished.

PRINTING.

XLIV.—That all the Printing done by order of the house, shall be engaged by contract for the Session, on the lowest terms offered, and during the Session be under the superintendance of a Select Committee; and during the recess, under the Clerk.

UNPROVIDED CASES.

XLV.—That in all unprovided cases, resort shall be had to the rules, usages, and forms, of the Parliament of Great Britain and Ireland.

STANDING ORDERS OF THE HOUSE.

I.—That the Public Accounts laid before this house, at the present Session, be printed for the use of the members as early as practicable; and that this Resolution be a Standing Order of the House in future, as to the Public Accounts to be hereafter laid before the Commons House of Assembly, and that two hundred copies of such Accounts be accordingly printed for this purpose at every session.

JOURNAL, 1824.—PAGE 130, MS.

II.—That in all cases of Controverted Elections for Counties, Towns, or Ridings, in this Province, the Petitioners do, by themselves or by their Agents, within a convenient time to be appointed by this house, deliver to the sitting members or their Agents, lists of the persons intended by the Petitioners to be objected to, who voted for the sitting members; giving, in the said lists, the several heads of objections, and distinguishing the same against the names of the voters excepted to, and that the sitting members do, by themselves or their Agents, within the same time, deliver the like lists on their part to the Petitioners or their Agents.

JOURNAL, 1825.—PAGE 48, MS.

III.—That in future two hundred copies of the Journals of this house be printed, as soon as may be practicable, after each Session of the Provincial Legislature, under the provisions of the 46th (now 44th) rule.

JOURNAL, 1825-6.—PAGE 367, MS.

IV.—That whenever any Item on the Order of the Day shall be called, and the Member who introduced the same, if present, shall not be prepared to proceed thereon, the said Item shall be placed at the foot of the Order of the Day.

JOURNAL, 1829.—PAGE 529, MS.

V.—That the Clerk of this House, with the approbation of the Speaker and the consent of this House, shall appoint all its subordinate Officers and Servants, (the Sergeant-at-Arms excepted,) and that no Officer or Servant of this House shall be removed or dismissed from his office or service without its knowledge and consent; as also, that this House shall, from time to time, determine the rate of recompense to be made to all persons employed in its service, except in such cases as are already provided for by law.

JOURNAL, 1829.—PAGE 46, MS.

VI.—That no Petition, complaining of the election and return of any Member, who may be returned to serve in any future Parliament, shall be received by this House, unless it be presented during the first fourteen days of the Session next ensuing, after the said election and return.

JOURNAL, 1829.—PAGE 746, MS.

VII.—That the Clerk, during the recess, shall allow Members of this House to have access to the Journals and other records, between the hours of ten in the morning and three in the afternoon of each day, and to take extracts or copies of such documents or records as they may consider necessary for their guidance and information.

JOURNAL, 1829.—PAGE 747, MS.

VIII.—That no person whatever (not a Member of this House) shall be permitted to enter the Copying Clerk's Rooms.

JOURNAL, 1830.—PAGE 129, MS.

IX.—That the Printed Edition of the Journals be disposed of as follows, viz. :—

Three Copies to each Member.

One Copy to each of the Members of the Legislative Council.

Six Copies to the Lieutenant Governor.

Three Copies to the Library.

One Copy (each) to the Governors, Legislative Councils, and Assemblies of Lower Canada, New Brunswick, Nova Scotia, and Prince Edward's Island.

Three Copies to the Library of the Imperial Parliament.

One Copy to the Colonial Department.

Six Copies to the Clerk's Office, for the use of this House; and the remainder to such Members of the House of Commons of Great Britain as the Speaker may direct.

JOURNAL, 1830.—PAGE 194, MS.

X.—That in future all notices of the intentions of Members to introduce Bills, Motions, or Resolutions, other than matters of Privilege, shall be given immediately after the reading of Petitions.

JOURNAL, 1831.—PAGE 70, MS.

Ordered—That it be a Standing Order of this House, that the Clerk shall take down the Yeas and Nays on all nominations for the election of Speaker, and that the same shall be entered on the Journals.

January 17th, 1835.

PRINTED JOURNAL, PAGE 24.—MS. PAGE 36.

Ordered—That so much of the Forty-fourth Rule of this House be rescinded as requires the Printing to be done by contract, during the Session, at the lowest terms offered.

January 22nd, 1835.

PRINTED JOURNAL, PAGE 41.—MS. PAGE 97.

Ordered—That the postage of packets containing only petitions to this House, and documents relating thereto, shall be charged in the account for contingencies, upon production of such packet to the Clerk, although the weight may exceed six ounces.

January 22nd, 1835.

PRINTED JOURNAL, PAGE 41.—MS. PAGE 97.

Ordered—That in future, Five Hundred Copies of the Journals of each Session of this House, be printed for the use of Members.

February 12th, 1835.

PRINTED JOURNAL, PAGE 130.—MS. PAGE 390.

Ordered—That the time for receiving and disposing of the Reports of Select Committees shall be next in order after giving notices.

March 30th, 1835.

PRINTED JOURNAL, PAGE 302.—MS. PAGE 972.

Ordered—That when this House is not in Session, as well as when it is the Speaker may give such directions as he may think necessary and proper for carrying into effect the orders of the House, and for ensuring the safety of its Records; and all the Clerks and Officers of the House shall be under the direction of the Speaker in all matters whatsoever connected with the performance of their official duties.

April 14th, 1835.

PRINTED JOURNAL, PAGE 308.—MS. PAGE 1258.

Resolved—That the Twenty-fifth Rule of this House directs, "that every Member who shall introduce a bill, petition, or motion, upon any subject which may be referred to a Committee, shall be one of the Committee, without being named by the House, except in cases of controverted elections;" but in no case is a Member moving the reference to be considered as one of the Committee, without being named by the House, unless the matter referred was *introduced* by him.

January 10th, 1837.

PRINTED JOURNAL, PAGE 248.

Truly extracted from the Journals.

JAMES FITZGIBBON,

CLERK OF ASSEMBLY.



PROCLAMATION.

UPPER CANADA.

F. B. HEAD,
LIEUTENANT GOVERNOR.

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

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

Proclamation proroguing Provincial Parliament to 23rd September.

GREETING:

WHEREAS our Provincial Parliament stands prorogued to Tuesday the fifteenth day of the present month of August, at which time, at our City of Toronto, you are 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 Saturday the twenty-third day of September now next ensuing, you meet us in Our Provincial Parliament at Our City of Toronto, there to take into consideration the state and welfare of Our said Province of Upper Canada, and therein to do as may seem necessary; and herein fail not.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of Our said Province to be hereunto affixed. WITNESS, Our trusty and well-beloved SIR FRANCIS BOND HEAD, BARONET, K. C. H., &c. &c. &c., Lieutenant-Governor of Our said Province, at Toronto, this Ninth Day of August, in the Year of our Lord One Thousand Eight Hundred and Thirty-seven, and in the first year of Our reign.

F. B. H.

By Command of His Excellency in Council.

D. CAMERON,
Secretary.

C. A. HAGERMAN,
Attorney-General.

By a further Proclamation of His Excellency Sir FRANCIS BOND HEAD, Lieutenant-Governor, issued on the Twentieth Day of September, One Thousand Eight Hundred and Thirty-seven, the Provincial Parliament stands further Prorogued until the Second Day of November next ensuing.

Proc. proro. Prov. Parl. to 2nd November.

By a further Proclamation of His Excellency the Lieutenant-Governor, bearing date the Twenty-sixth Day of October, One Thousand Eight Hundred and Thirty-seven, the Provincial Parliament stands further Prorogued until the Twelfth Day of December next ensuing.

Proc. proro. Prov. Parl. to 12th December.

PROCLAMATION.

UPPER CANADA.

F. B. HEAD,
LIEUTENANT GOVERNOR.

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

To our beloved and faithful Legislative Councillors of our Province of Upper Canada, and to our Knights, Citizens, and Burgesses of our said Province; to our Provincial Parliament at our

Proclamation convening Prov. Parl. on 31st Dec.

City of Toronto, on Tuesday the Twelfth Day of December inst. to be commenced, held, called, and elected, and to every of you—

GREETING :

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

NOW KNOW YE, that We, taking into our Royal consideration the ease and convenience of our loving Subjects, have thought fit, by and with the advice of our Executive Council, to relieve you and each of you of your attendance at the time aforesaid; hereby convoking, and by these presents enjoining you and each of you, that, on THURSDAY the TWENTY-FIRST Day of DECEMBER instant, you meet us in our Provincial Parliament, at our City of Toronto, FOR THE ACTUAL DESPATCH OF PUBLIC BUSINESS, there to take into consideration the state and welfare of our said Province of Upper Canada, and therein to do as may seem necessary; AND HEREIN FAIL NOT.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed.—WITNESS our trusty and well-beloved SIR FRANCIS BOND HEAD, BARONET, K. C. H., &c., &c., &c., Lieutenant-Governor of our said Province, at Toronto, this Eleventh Day of December, in the Year of our Lord One Thousand Eight Hundred and Thirty-seven, and in the first Year of our Reign.

By Command of His Excellency in Council.

D. CAMERON,
Secretary.

C. A. HAGERMAN,
Attorney-General.

F. B. H.

PROCLAMATION.

UPPER CANADA.

F. B. HEAD,

LIEUTENANT GOVERNOR.

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

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

GREETING :

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

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

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed. WITNESS, Our trusty and well-beloved SIR FRANCIS BOND HEAD, BARONET, K. C. H., &c. &c. &c., Lieutenant-Governor of our said Province, at Toronto, this Nineteenth Day of December, in the Year of our Lord One Thousand Eight Hundred and Thirty-seven, and in the first year of Our reign.

By Command of His Excellency in Council.

D. CAMERON,
Secretary.

C. A. HAGERMAN,
Attorney-General.

F. B. H.

JOURNAL.

3rd Session, 13th Parliament, 1st Queen Victoria.

HOUSE OF ASSEMBLY.

Thursday, 28th December, 1837.

At nine o'clock, A. M., James FitzGibbon, Esquire, one of the Commissioners appointed to administer the oaths to the Members of Assembly, attended in the Chamber of the Assembly, and administered the same to the Members under-named, being the First Session after Her Majesty's accession to the Throne, viz. :—

Commissioner attends to administer the oath to Members.

FROM WHAT COUNTY, TOWN, OR RIDING.	NAMES OF MEMBERS.
<i>Stormont</i> ,	Donald Æneas McDonell,
<i>Dundas</i> ,	Peter Shaver,
<i>Russell</i> ,	Thomas McKay,
<i>Carleton</i> ,	John Bower Lewis, and Edward Malloch,
<i>Lanark</i> ,	Malcolm Cameron,
<i>Grenville</i> ,	Hiram Norton,
<i>Leeds</i> ,	Ogle Robert Gowan,
<i>Brockville</i> , (<i>Town</i>), . . .	Henry Sherwood,
<i>Frontenac</i> ,	John Marks,
<i>Kingston</i> , (<i>Town</i>),	Christopher Alexander Hagerman,
<i>Lennox and Addington</i> ,	Jno. Solomon Cartwright, and Geo. Hill Detlor,
<i>Hastings</i> ,	Edmund Murney, and Anthony Manahan,
<i>Prince Edward</i> ,	James Rogers Armstrong,
<i>Northumberland</i> ,	Henry Ruttan,
<i>Durham</i> ,	George Strange Boulton, and George Elliott,
<i>2d Riding—York</i> ,	Edward William Thomson,
<i>4th Riding—do</i> ,	John McIntosh,
<i>Toronto</i> , (<i>City</i>),	William Henry Draper,
<i>1st Riding—Lincoln</i> , . . .	Richard Woodruff,
<i>3rd do. — do</i> ,	David Thorburn,
<i>Niagara</i> , (<i>Town</i>),	Charles Richardson,
<i>Middlesex</i> ,	Thomas Parke,
<i>Kent</i> ,	William McCrae, and Nathan Cornwall,
<i>Essex</i> ,	Francis Caldwell,
<i>Huron</i> ,	Robert Graham Dunlop.

Thirty Members sworn in, with places represented.

At eleven o'clock, A. M., Stephen Jarvis, Esq., Gentleman Usher of the Black Rod, came to the Bar of the House and delivered the commands of His Excellency, the Lieutenant-Governor, for the immediate attendance of the House at the Bar of the Legislative Council Chamber, and withdrew.

Black Rod summons Members present to wait on His Excellency at Bar of Legislative Council Chamber.

The Speaker being absent, The officers and members present proceeded, without delay, to the Legislative Council Chamber.

The Honorable the Speaker of the Legislative Council then said,

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

I am commanded by His Excellency, the Lieutenant Governor, to acquaint you, that, in consequence of a peculiar exigency, the Hon. Allan Napier MacNab, Speaker of the House of Assembly, is, unavoidably, absent on public duty, in defence of the Province; and that His Excellency will defer declaring the causes for which he has summoned this meeting of the Provincial Parliament until another Speaker be chosen, by the House of Assembly.

It is therefore His Excellency's pleasure that you, Gentlemen of the Assembly, do forthwith return to your Chamber, and do there choose a proper person to be your Speaker, to serve during the absence of Mr. MacNab, and that you do present him, whom you shall have so chosen, to His Excellency the Lieutenant Governor at this place, immediately after your choice shall be made.

The members then returned to the Chamber of the Assembly, and having taken their seats,

Mr. Gowan, seconded by Capt. Dunlop, moved that Henry Ruttan, Esq., a member for the County of Northumberland, be chosen Speaker.

Upon which question the Yeas and Nays were taken as follows:

Y E A S.

Messieurs *Armstrong, Attorney General, Boulton, Caldwell, Cameron, Cartwright, Chisholm of Halton, Cornwall, Deilor, Dunlop, Elliott, Gowan, Lewis, Manahan, Marks, McCrae, McDonell* of Stormont, *McKay, Murney, Norton, Parke, Richardson, Shaver, Sherwood, Solicitor General, Thomson, Thorburn, Woodruff*—28.

N A Y S.

Mr. Malloch—1.

The question was carried in the affirmative by a majority of twenty-seven, and Mr. Ruttan, having been declared by the Clerk to be duly elected, was conducted to the Chair by Messrs. Gowan and Dunlop; and standing on the upper step, he returned his humble acknowledgments to the House for the honour conferred upon him by being chosen their Speaker.

The Speaker elect, with the officers and members present, then repaired to the bar of the Legislative Council Chamber, and, being returned, the Speaker reported that His Excellency, the Lieutenant Governor, had been pleased to approve of the choice the House had made of him to be their Speaker; which approval was communicated to him by the Honorable the Speaker of the Legislative Council, in the following words:

MR. RUTTAN,

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

Mr. Solicitor General gives notice, that he will, to-morrow, move for leave to bring in a Bill to provide for the securing and detaining such persons as shall be suspected of conspiring against the Queen's Majesty or Her Government, in any of the Provinces of North America.

Mr. Gowan gives notice, that he will, on to-morrow, move that the House be put into committee of the whole, for the purpose of considering and adopting certain resolutions of condolence and congratulation upon which to found an Address to Her Majesty, the Queen.

Mr. Gowan gives notice, that he will, on to-morrow, move for leave to introduce a Bill to amend and consolidate the Militia Laws of this Province.

Mr. Gowan gives notice, that he will, on to-morrow, move for leave to introduce a Bill to provide for the appointment of Commissioners to settle disputes regarding Boundary Lines within this Province.

Members directed to return and choose a Speaker to act during absence of Mr. MacNab.

Mr. Ruttan proposed a Speaker.

Division.

Yeas—28

Nay—1.

Mr. Ruttan declared duly elected, Majority 27.

House attend His Excellency at Bar of Legislative Council Chamber with their Speaker.

Speaker approved of by His Excellency.

Notice

Of Bill to secure persons suspected of conspiracy.

Of Resolutions of Condolence and Congratulation to Her Majesty.

Of Militia Bill.

Of Boundary Commission Bill.

Mr. Gowan gives notice, that he will, on to-morrow, move for leave to introduce a Bill for the relief of persons having conscientious scruples against taking an Oath.

Of Bill to relieve persons from taking an Oath.

Mr. Gowan gives notice, that he will, on to-morrow, move for leave to introduce a Bill providing for the public protection against Mills, Machinery, &c.

Of Bill to protect the public against Mills, Machinery, &c.

Mr. Gowan gives notice, that he will, on to-morrow, move for the appointment of a Select Committee, to take into consideration, and to report to this House upon the best mode of procuring compensation for Jurors who may be summoned and obliged to attend the Courts of Assize and Nisi Prius, and General Gaol Delivery; and also the several District Courts and Courts of General Quarter Sessions, within this Province.

Of Select Committee on Compensation of Jurors.

Mr. Gowan gives notice, that he will, on to-morrow, move for leave to bring in a Bill providing for the holding of alternate County Courts within the several Districts of this Province.

Of Alternate County Courts' Bill.

Mr. Solicitor General gives notice that he will, on to-morrow, move for leave to bring in a Bill for indemnifying persons, who, since the 2nd December, 1837, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of High Treason, or treasonable practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned.

Of Bill to indemnify persons for apprehending, &c. those suspected of Conspiracy.

Mr. Solicitor-General gives notice that he will, on to-morrow, move for leave to bring in a Bill to prevent the Training of persons to the Use of Arms and to the practice of military evolutions and exercises, and to authorise Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.

Of Bill to prevent Unlawful Training.

Mr. Marks gives notice, that he will, on to-morrow, move for leave to appoint a Committee to take into consideration the Township Officers' Law, with a view to alter and amend the same.

Of Select Committee on Township Officers' Law.

Mr. Speaker then reported, that, when the House attended His Excellency at the Bar of the Legislative Council Chamber, His Excellency had been pleased to open the Session with a most gracious Speech from the Throne, of which, to prevent mistakes, he had procured a copy, which is as follows:—

Mr. Speaker reports His Excellency's Speech at the Opening of the Session.

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

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

Speech.

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

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

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

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

This second subject of discussion I deemed it advisable to bring plainly before the public—it was accordingly submitted to the consideration of His late Majesty and the Imperial Government, the House of Commons, and the House of Assembly of Upper Canada, and by all these tribunals

Speech at opening of Session

the question was decided against those, who with groundless slander had assailed their Government, and who being rapidly deserted by their original supporters, were now reduced to a very few individuals.

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

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

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

Without either soldiers or weapons to enforce my cause, I allowed the leader of the intended insurrection a full opportunity to make his intended experiment—I freely allowed him to *write* what he chose—*say* what he chose, and *do* what he chose—I allowed him to assemble his deluded adherents for the purpose of drill—I even allowed them unopposed to assemble with loaded fire-arms, and in spite of the remonstrances which, from almost every District in the Province, I received from the peaceable portion of the community, I allowed him to make deliberate preparations for revolt; for I freely confess that I did under-rate the degree of audacity and cruelty which these armed insulters of the law were prepared, as events have proved, to exhibit. It did not seem to me credible, that in the bosom of this peaceful country, where every one was enjoying the protection of equal laws, and reaping the fruit of his labour, almost undiminished by taxes, any number of persons could be found willing to assail the lives, plunder the property of their unoffending fellow Subjects, and to attempt the destruction of a Government from which they had received nothing but good.

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

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

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

Upwards of 10,000 men immediately marched towards the Capital—and in the depth of a Canadian winter, with no clothes but those in which they stood—without food, and generally speaking without arms—Reformers as well as Constitutionalists—nobly rushed forward to defend the revered Constitution of their ancestors, although the rebel who had dared to attack it was offering to his adherents 300 acres of our land, and the plunder of our Banks!

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

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

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

The rebels dispersed in all directions, surrendered everywhere at discretion; those of their leaders who were not taken prisoners absconded to the United States; and before sunset the whole conspiracy was exploded.

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

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

Speech at opening of
Session.

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

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

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

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

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

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

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

The interference of foreigners in the domestic policy of a free country is an aggression which no nation of character can ever submit to endure, (especially where a band of people, violating their own laws, our laws, as well as the sacred obligations of national amity, intrude themselves upon peaceable inhabitants, lawlessly to advocate by force of arms the practical blessings and advantages of Republican institutions, which, by their own showing, have at least ended with them in anarchy and plunder;) and as every country is a natural fortress to its inhabitants—as every village is a strong military position—and as every bridge and ravine can be advantageously defended—I must own that, deeply as I should lament a conflict of this nature, I entertain no feeling of anxiety for the result. The peaceful inhabitants of Upper Canada will not be left to defend their country alone, for they belong to an Empire which does not suffer its Subjects to be injured with impunity; and if a national war, which it rests with the American Government to avert, should be the unhappy consequence of an intolerant invasion of our freedom, the civilized world, while it sympathises with our just cause, will view, with feelings of astonishment and abhorrence, this attempt of a body of American citizens treacherously to attack and plunder, in a moment of profound peace, their oldest—their most intimate—and their most natural ally.

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

In the meanwhile, however, it is but justice to the American Nation to allow them, notwithstanding our territory has been already invaded by their citizens, the opportunity of nobly vindicating, as I firmly believe they will, the integrity of their Government and Institutions; and I have to inform you that, with this peaceful object in view, I have communicated with the

Speech at opening of Session.

Governor of the State of New York, with whom I have hitherto been on the most friendly terms, as also with Her Majesty's Minister at Washington: and awaiting their replies, I have reinforced the gallant Militia of the frontier by a strong Corps of Observation, and have made arrangements for a general call upon the Militia, in case their services should, unfortunately, be required.

Gentlemen of the House of Assembly:

I shall direct the Public Accounts, and the Estimate for the ensuing Year, to be laid before you.

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

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

Honourable Gentlemen, and Gentlemen:

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

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

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

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

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

On motion of Mr. Gowan, seconded by Capt. Dunlop,

Ordered—That One Thousand copies of the Speech of His Excellency the Lieutenant Governor, this day delivered to both Houses of the Provincial Legislature, be Printed for the use of members, and that the same Speech be referred to a Committee of the whole House on Saturday next.

Mr. Cartwright gives notice, that he will, on to-morrow, move for leave to bring in a Bill to reinvest the Clergy Reserves of this Province in Her Majesty, for the maintenance of Public Worship and support of Religion within this Province.

Mr. Cartwright gives notice, that he will, on to-morrow, move for leave to bring in a bill to continue all expiring Laws to the end of the next Session of the Legislature.

Mr. Cartwright gives notice, that he will, on to-morrow, move for leave to bring in a Bill to alter and amend the Laws relating to taking the Census of this Province.

Mr. Gowan gives notice, that he will, on to-morrow, move that the House be placed in Committee of the whole, for the purpose of granting a sum of money for the maintenance and support of Common Schools, for the year 1838.

1000 copies of Speech to be printed.

NOTICES:
Of Bill to reinvest Clergy Reserves.

Of Bill to continue expiring Laws.

Of Bill to amend Census Laws.

Of Committee of whole on support of Common Schools for 1838.

Mr. Gowan brought up the Petition of John Ford Maddock, of the City of Toronto, Esquire, which was laid on the table. Petition of J. F. Maddock brought up

On motion of Mr. Gowan, seconded by Mr. Thorburn,

Ordered—That Messieurs Boulton, Marks, and Manahan, be a Committee to superintend the Printing of this House during the present Session. Select Committee appointed on Printing.

On motion of Mr. Norton, seconded by Mr. Gowan,

Ordered—That the Clerk be directed to pay the Postage on all Letters and Papers to and from Members of this House during the present Session, and to charge the same to the Contingencies of the House. Postage of members to be paid.

Adjourned.

Friday, 29th December, 1837.

The House met.

The minutes of yesterday were read.

Mr. Speaker reported having received a Letter from William Lee, Esquire, enclosing a Deputation from D. MacNab, Esquire, Serjeant at Arms, which was read as follows: Speaker reports letter from Wm. Lee, with deputation from Serjeant at Arms.

Toronto, 28th December, 1837.

SIR,

I have the honour to enclose to you herewith, an instrument from the Serjeant at Arms, appointing me his Deputy, subject to the approval of the Honorable the Speaker, and to submit the same for your approval.

I have the honor to be,
Sir,

Your Obedient Servant,
WM. H. LEE.

THE HON. THE SPEAKER.

I, David Archibald MacNab, Serjeant at Arms; to the Honorable the Commons House of Assembly, send

GREETING:

WHEREAS by virtue of the power and authority given me, by my commission as Serjeant at Arms, to appoint a Deputy, I hereby nominate, constitute, and appoint William Lee, to be my lawful Deputy, to do and perform all the duties appertaining to the Office of Serjeant at Arms, to the Honorable the Commons House of Assembly; subject to the approval of the Honorable the Speaker. Deputation.

In Testimony Whereof, I have hereunto set my Hand and Seal, at Sodom, in the District of London, this 18th day of December, 1837.

DAVID A. MACNAB, [L. s.]
Serjeant at Arms.

Mr. Thorburn, seconded by Mr. Shaver, moves, that William H. Lee, Esquire, perform the duties of Serjeant at Arms of this House during the absence of David A. MacNab, Esquire, who is now in arms in defence of our Province, on the Niagara Frontier; and that this Resolution be communicated to the Honourable the Legislative Council. Motion that Mr. Lee perform the duties of Serjeant at Arms.

In Amendment, Mr. Solicitor-General, seconded by Mr. Boulton, moves, that all after the word "*moves*" be struck out, and the following inserted:—"That this House approves of the appointment of the Deputy made by the Serjeant-at-Arms, and reported to the Hon. the Speaker." Amendment.

Which was carried.

The Original Question, as amended, was then put and carried. Carried:

The following Petitions were severally brought up, and laid on the table:— Petitions brought up.

By Captain Dunlop—the Petition of William Bennett Rich and four hundred and ninety-six others of the County of Huron:—The Petition of W. F. Gooding and one hundred and three others, Magistrates, &c. of W. B. Rich and others.
W. F. Gooding and others.

E. C. Taylor, J. P. and others.
E. C. Taylor and others.

the District of London:—The Petition of E. C. Taylor, J. P., and four others of the County of Huron:—And the Petition of E. C. Taylor and four others of the same place.

A. Innes and others.

And by Mr. Shade—the Petition of Alexander Innes and ninety-three others of the Township of Beverly (Halton):—And the Petition of Freeman Bray, of the Township of Trafalgar (Halton).

NOTICES.
Of vote of thanks to Militia & Volunteers.

Captain Dunlop gives notice, that he will, on to-morrow, move that a vote of thanks be presented by this House to the Officers, Non-Commissioned Officers, Privates, and Volunteers, of this Province, in testimony of its admiration of the brave and loyal manner in which they are vindicating their rights and privileges as British Subjects, and its respect for the deep attachment evinced by them for our Sovereign Lady the Queen.

Of Address for correspondence on Seat of Gov't.

Mr. Manahan gives notice, that he will, on Wednesday, move that an humble Address be presented to the Lieutenant Governor, praying that His Excellency will be pleased to transmit to this House copies of all Correspondence with the Home Government relating to the seat of Government in this Province, with copies of any Instructions that may be given to remove the same to the Town of Kingston.

Of bill to alter law respecting selling spirituous liquors without license.

Mr. Manahan gives notice, that he will, on Tuesday next, move for leave to bring in a Bill to alter and amend the Law at present authorising the levying of Fines upon offenders Selling Liquors without License; giving facilities for the recovery of the same, and altering in part the appropriation of the monies arising from such Licenses.

Of Address to remove newspaper postage.

Mr. Gowan gives notice, that he will, on to-morrow, move that an humble Address to the Crown, praying that the Tax now charged upon Newspapers, and certain other periodical publications, passing through the Post Office of this Province, may be reduced.

Of resolutions on grant of Lands to certain militia & Yeomanry corps.

Mr. Gowan gives notice, that he will, on to-morrow, move certain Resolutions, upon which to found an Address to the Crown, praying that free Grants of Land may be made to certain of the Militia Force of this Province, and also to such persons of the Army, and Navy, the Militia, and Yeomanry Corps of Great Britain and Ireland, as have already, or may hereafter, emigrate to, and become resident settlers within, this Province.

Of registry bill.

Mr. Sherwood gives notice, that he will, on to-morrow, move for leave to bring in a Bill to alter and amend the Registry Laws of this Province.

Mr. Sherwood gives notice, that he will, on to-morrow, move that it be

Of Address for despatches on currency act.

Resolved—That an humble Address be presented to His Excellency the Lieutenant Governor, requesting His Excellency to inform this House, whether any Despatches have been received from the Colonial Secretary, in reference to an Act passed during the Second Session of the Twelfth Parliament, entitled, "*An Act to repeal and amend certain Acts of this Province, in relation to the Gold and Silver Coin made current by Law, and to make further provision respecting the Rates at which certain Gold and Silver Coins shall pass current in this Province,*" and if so, that His Excellency will be pleased to transmit copies of the same for the information of this House.

Bill to secure persons suspected of conspiracy brought in.

Mr. Solicitor-General, seconded by Mr. Malloch, moves for leave to bring in a Bill to provide for the securing and detaining such persons as shall be suspected of conspiring against the Queen's Majesty or Her Government.

Bill read first time.

Which was granted, and the Bill was read the first time.

On the question for the second reading of the Bill to-morrow,

In Amendment, Mr. Solicitor-General, seconded by Mr. Boulton,

moves that the Bill be read a second time this day, and that the fortieth rule of this House be dispensed with for that purpose.

Which was carried, and the Bill was read the second time.

Read second time and committed.

The House was put into a Committee of the Whole on the Bill.

Mr. Detlor in the Chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again to-morrow.

Progress reported.

The Report was received, and leave granted accordingly.

On motion of Mr. Thorburn, seconded by Mr. Shaver,

Ordered—That 100 copies of the Bill be printed forthwith, for the use of Members.

100 copies to be printed.

Pursuant to notice, Mr. Gowan, seconded by Mr. McKay, moves that the House do now resolve itself into a Committee of the whole, for the purpose of condoling with Her Majesty, the Queen, upon the loss the nation has sustained in the demise of His late Majesty, King William the Fourth, and of congratulating Her Majesty upon her accession to the throne of her ancestors.

House goes into committee for purpose of condoling with Her Majesty, &c.

Which was carried; and the House was put into a Committee of the whole.

Mr. Ferrie in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to several Resolutions, which he was directed to submit for the adoption of the House.

Resolutions reported.

The Report was received.

The Resolutions were severally put, and carried, as follows:—

Resolved—That an humble Address be presented to Her Majesty, the Queen, condoling with Her Majesty on the loss the Empire has sustained by the demise of His late Majesty, King William the Fourth, of blessed memory.

1st Resolution.

Resolved—That this House, representing, as it does, the free voice of the people of Upper Canada, mourns over the heavy affliction with which it has pleased an all-wise Providence to visit the glorious Empire, of which the people of this Colony are proud to form a part, by the removal, from this transitory life, of a Sovereign, the recollection of whose private and public benevolence and magnanimity will remain, for ages yet to come, embalmed in the grateful recollection of his Canadian subjects.

2nd Resolution.

Resolved—That, while this House condoles with Her Majesty and sympathises with all classes of her faithful people on the melancholy bereavement with which the Empire has been afflicted, it is nevertheless consoled in its sorrows, by having the British sceptre descend to a young and amiable sovereign, whose virtues and education afford the fullest assurance to her people that Her Majesty's reign will be characterised by a firm adherence to those principles of religious and civil liberty which called her illustrious family to the Throne, and which for ages have distinguished the sovereigns of Great Britain.

3rd Resolution.

Resolved—That by no class of Her Majesty's subjects, has Her Majesty's Accession to the Throne of her ancestors been hailed with more joy and satisfaction than by the people of Upper Canada, and Her Majesty may rest assured that this House, as their peculiar and constitutional representative and organ, will not fail to impress upon them a steady adherence to those religious and loyal principles which, in every hour of adversity or emergency, have never failed to distinguish Her Majesty's faithful Canadian Subjects.

4th Resolution.

On motion of Mr. Gowan, seconded by Captain Dunlop,

Ordered—That Messieurs Richardson and Lewis, be a Committee to draft and report an Address, founded on the foregoing Resolutions.

Committee to draft address.

Pursuant to notice, Mr. Gowan, seconded by Mr. Richardson, moves for leave to introduce a Bill to consolidate and amend the Militia Laws of this Province.

Militia bill brought in.

Which was granted, and the Bill was read the first time.

Bill read first time.

Ordered—That the Bill be read a second time to-morrow.

Second reading to-morrow.

Bill to relieve persons from taking an oath brought in.

Pursuant to notice, Mr. Gowan, seconded by Captain Dunlop, moves for leave to bring in a Bill for the Relief of Persons having a conscientious scruple against taking an Oath.

Bill read first time.

Which was granted, and the Bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

Motion for 200 copies to be printed.

Mr. Gowan, seconded by Captain Dunlop, moves that 200 copies of the Bill to Relieve Persons having conscientious scruples against taking an Oath be printed for the use of Members.

On which the Yeas and Nays were taken, as follows :—

Y E A S.

Yeas—5.

Messieurs *Dunlop, Gowan, Norton, Parke, Richardson*—5.

N A Y S.

Nays—18.

Messieurs *Armstrong, Caldwell, Cartwright, Cornwall, Detlor, Ferrie, Lewis, Manahan, Marks, McCrae, McIntosh, McKay, Murney, Shaver, Sherwood, Thomson, Thorburn, Woodruff*—18.

Lost, majority 13.

The question was decided in the negative by a majority of thirteen.

Bill to protect persons from machinery, brought in.

Pursuant to notice, Mr. Gowan, seconded by Mr. Richardson, moves for leave to bring in a Bill to protect the public against injury from mills, machinery, &c.

Bill read first time.

Which was granted, and the Bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

Bill to re-invest Clergy Reserves brought in.

Pursuant to notice, Mr. Cartwright, seconded by Mr. Sherwood, moves for leave to bring in a Bill to re-invest the Clergy Reserves in her Majesty, for the maintenance of public worship and support of Religion within this Province.

Bill read first time.

Which was granted, and the Bill was read the first time.

On second reading to-morrow.

On the question for the second reading of the Bill to-morrow,

Amendment moved.

In amendment, Mr. Thorburn, seconded by Mr. Shaver, moves that the second reading of the Bill take place on this day three months.

On which the Yeas and Nays were taken, as follows :—

Y E A S.

Yeas—5.

Messieurs *McIntosh, Norton, Shaver, Thorburn, Woodruff*—5.

N A Y S.

Nays—24.

Messieurs *Armstrong, Attorney General, Boulton, Caldwell, Cartwright, Cornwall, Detlor, Dunlop, Ferrie, Gowan, Lewis, Malloch, Manahan, Marks, McCrae, McKay, Murney, Parke, Richardson, Shade, Sherwood, Solicitor General, Thomson, Wickens*—24.

Amendment lost, majority 19.

The question for Amendment was decided in the negative by a majority of nineteen.

Another amendment.

In Amendment, Mr. Cartwright, seconded by Mr. Sherwood, moves that the Bill to re-invest the Clergy Reserves in Her Majesty be read a second time on the fifteenth day of January next, and that it be the first item on the order of the day.

Carried.

Which was carried, and ordered.

Bill to continue expiring laws brought in.

Pursuant to notice, Mr. Cartwright, seconded by Mr. Detlor, moves for leave to bring in a Bill to continue the Expiring Laws to the close of the next ensuing Session of the Legislature.

Bill read first time.

Which was granted, and the Bill was read the first time.

2nd reading to-morrow.

Ordered, That the Bill be read a second time to-morrow.

On motion of Mr. Gowan, seconded by Mr. McKay,

Call of House on 15th January.

Ordered—That there be a call of this House on Monday the 15th day of January, 1838, at eleven o'clock, A. M.

Pursuant to notice, Mr. Marks, seconded by Mr. Woodruff, moves that Messrs. Detlor, Thomson, Parke, McKay, Richardson, and Cornwall be a Committee to take into consideration the expediency of altering and amending the Act relating to Township Officers, and to report by bill or otherwise; and that the 29th Rule of this House be dispensed with therefor.

Select Committee appointed on Township Officers act.

Which was carried.

Adjourned.

Saturday, 30th December, 1837.

The House met.

The minutes of yesterday were read.

Mr. Sherwood brought up the Petition of Dr. Robert Edmondson, of the town of Brockville; which was laid on the table.

Petition of Dr. Edmondson brought up.

Pursuant to the order of the day, the Petition of John Ford Maddock, of the City of Toronto, Esquire, praying to be allowed to practise as an Attorney in this Province, without serving under articles as prescribed by law, was read.

Petition of J. F. Maddock read.

On motion of Mr. Gowan, seconded by Mr. McKay.

Ordered—That the Petition of J. F. Maddock be referred to a Select Committee, consisting of Messrs. Dunlop and Shade, with liberty to report by bill or otherwise.

Petition of J. F. Maddock referred.

Mr. Manahan gives notice that he will, on Wednesday next, move a humble Address to the Lieutenant-Governor, praying that His Excellency would be pleased to inform this House by whose advice, and by what inducing motives, His Excellency transmitted to the Colonial Secretary of State, to be laid at the foot of the Throne, the Joint Address of the Honorable the Legislative Council and this Honorable House, passed in the First Session of this Parliament, upon the subject of the Union of the Provinces; which Address, although signed by the Honorable Speakers of both Houses, was virtually lost, by reason of the nonconcurrence of this House in the Address to His Excellency, praying him to transmit the same.

NOTICES:
Of Address respecting address of last Session on Union of Provinces.

Mr. Manahan gives notice, that he will, on Monday the fifteenth day of January next, there being a call of the House for that day, move that an humble Address be transmitted, to be laid at the foot of the Throne, beseeching Her Majesty to be graciously pleased to take immediate measures for the Re-union of the Provinces of Upper and Lower Canada; adhering, in the Constitutional Charter of such Re-union, as strictly to the principles of the Constitutional Act under which we are governed in this Province, as the circumstances of the times, and the wholesome changes required therein, will admit.

Of Address to Her Majesty to unite the Canadas.

Mr. Sherwood gives notice, that he will, on Monday next, move for the appointment of a Select Committee to take into consideration the political state of the Provinces of Upper and Lower Canada, with power to send for persons and papers, and to report thereon.

Of Select Committee on political state of the Canadas.

Mr. Cartwright gives notice, that he will, on to-morrow, move that an humble Address be presented to His Excellency the Lieutenant Governor, praying for a return of the names and numbers of persons residing within the City of Toronto and its liberties, who bore arms in defence of the City during the 5th, 6th, and 7th of December inst.

Of Address for names of those who bore arms in defence of Toronto.

Mr. Norton gives notice that he will, on Monday next, move for leave to bring in a Bill to enable Members of the House of Assembly to vacate their seats in certain cases.

Of Bill to allow members to vacate their seats.

Of Address on reserved Bills.

Mr. Sherwood gives notice that he will, on Monday next, move that it be resolved that an humble Address be presented to His Excellency the Lieutenant-Governor, requesting His Excellency to inform this House whether any and what despatches have been received from the Colonial Secretary upon the subject of the Bills which passed the two branches of the Legislature during the first Session of the present Parliament, and which were reserved for His Majesty's assent.

Of Address for information on address on Chelsea Pensioners.

Mr. Boulton gives notice that he will, on Tuesday next, move that an humble Address be presented to His Excellency the Lieutenant-Governor, requesting that His Excellency will inform this House whether he has received any communication from Her Majesty's Government on the subject of the Joint Address of the two Houses of the Legislature respecting certain Chelsea Pensioners who had commuted their pensions and settled in this Province.

Of Bill to restrain private banking.

Mr. Boulton gives notice that he will, on Wednesday next, move for leave to bring in a Bill to restrain Private Banking in this Province.

Of Niagara and 10 mile Creek macadamized road bill.

Mr. Richardson gives notice that he will, on Tuesday next, move for leave to bring in a Bill to authorise the inhabitants of the District of Niagara to construct a Macadamized Road from the Town of Niagara to the Ten-Mile Creek in the Township of Grantham, to intersect the macadamized road leading from Queenston to Grimsby.

Of Common Schools regulation bill.

Mr. Thomson gives notice that he will, on Wednesday next, move for leave to bring in a Bill for the better Regulation of Common Schools throughout this Province.

Of bill to facilitate proceedings of Joint Stock banks.

Mr. Sherwood gives notice that he will, on Monday next, move for leave to bring in a Bill to facilitate the proceedings of Joint Stock Banks and to protect the public.

Address of condolence reported and read twice.

Mr. Richardson, from the Committee to draft and report an Address founded on the resolutions of yesterday, condoling with and congratulating Her Majesty, reported a draft, which was received and read twice, and ordered to be engrossed and read a third time on Monday next.

Third reading on Monday.

J. Morris Esq. M. P. for Leeds, introduced.

James Morris, Esquire, Member for the County of Leeds, having been sworn, was introduced by Messieurs Malloch and Murney, and took his seat.

House in committee on His Excellency's speech.

Pursuant to the order of the day, the House was put into a Committee of the whole on the consideration of His Excellency's Speech at the opening of the present Session.

Mr. Thomson in the Chair.

The House resumed.

Resolutions reported.

The Chairman reported that the Committee had agreed to a series of Resolutions, which he was directed to submit for the adoption of the House.

The Report was received.

The Resolutions were read, as follows:—

Resolutions.

Resolved—That this House do humbly thank His Excellency for his Speech from the Throne at the opening of the present Session.

That this House most sincerely accord with His Excellency in his expression of condolence on the loss which has been sustained in the demise of his late Gracious Majesty, William the Fourth, whose memory will long be held in filial gratitude and respect by the inhabitants of this Province.

That this House avail themselves of this opportunity to express their heartfelt pleasure in the Accession of Her Majesty, Queen Victoria, to whose Person or Throne they cheerfully offer the pledge of their enduring loyalty and unshrinking support.

That this House feel it unnecessary to say, that they participate with His Excellency in the pain experienced by His Excellency at the altogether unexpected and unnatural rebellion that has recently appeared in this and one other District of the Province. That His Excellency has truly declared, that, looking to the enviable state of happiness and prosperity of the Country, this attempt on the part of a few wicked and misguided men is too remarkable not to demand serious

notice and consideration ; and that this House assure His Excellency, its origin and progress, now well known and understood, will receive from them the most grave and serious attention. That in the meantime this House feel proud in the new and convincing proof the brave and loyal Militia of this Province have given of the truth of the assurance that has been many times and confidently transmitted to the Sovereign by their Representatives in Provincial Parliament, that the British Crown cannot boast of more faithfully-devoted Subjects than the Inhabitants of Upper Canada.

Resolutions in answer to Speech at opening of Session.

That it is not a matter of surprise to us, that,—although all the disaffected of this Province, (however encouraged or by whatever hopes led on,) having combined to overthrow our Institutions and to sever the union from the Parent State, which we so dearly cherish as our greatest blessing, but which has been denounced as a “baneful domination,” suddenly appeared in arms to effect their purpose,—the loyal Subjects of our Queen, at a moment when they believed themselves in perfect security from so foul and unnatural a treason, and were therefore wholly unprepared to defend themselves from the unexpected assault, should have risen in indignant power, and gallantly and patriotically crushed the daring and unprincipled efforts of their assailants. To the calls of honour—of duty—of patriotism—the great body of the people of Upper Canada have ever shown themselves alive ; and by these principles, and these only, have they been actuated in the recent contest, and by them will they be governed in all time to come. Neither can this House forbear to notice and to acknowledge, with heartfelt satisfaction and delight, that which justice and truth demand at our hands—that, among those who flew to arms in defence of our Constitution and our Laws, men of all creeds and parties, forgetting local differences and distinctions of Politics, were to be found. And this House can only hope that these indisputable facts will be remembered by the British Nation when the enemies of our peace and our honour shall raise their voices against us in the British senate or elsewhere.

That this House think it unnecessary at this moment to remark more at large on the origin and progress of the calamity they have been called upon to deplore,—as a more fit opportunity will probably present itself before the close of the present Session. That it may, however, be consistent with candour and the dictates of a solemn duty, that this House should intimate now, and upon all occasions, that the root of the evil is not to be found in this Province, but in the unwise and mistaken policy which has for years past been pursued by those who were bound to consider in what way protection could be best given to the loyal, rather than encouragement to the disaffected, and to have acted accordingly.

That the contrition evinced by hundreds of deluded and misguided men, who declare themselves to have been deceived into the commission of the crimes of which they now stand charged, is gratifying to the feelings of every humane and benevolent mind—and that this House are grateful to Divine Providence that the effusion of human blood, in this unnatural contest, has been so slight. Neither can they pass over, without distinct notice and approbation, the able manner in which the service committed by His Excellency to Colonel MACNAB, the Speaker of this House, was performed by that Officer in the London District.

That this House learn with surprise and regret, that, after peace and tranquillity had been restored in the Province, by the defeat and dispersion of all those who had taken up arms in rebellion, we should be threatened with a hostile invasion by the citizens of a foreign country with whom the Government is at peace. The pretext for aiding the cause and enlisting in the service of the few fugitives who,—shunning the avenging arm of offended Justice, which was raised to punish them for Murder, Arson, and Robbery,—sought to cloak their real character under the sacred names of patriotism and liberty, is too flimsy to impose on any one, or to place their conduct in any other light than that of an atrocious aggression of the laws, liberty, and property of the people of Upper Canada. But this House feel it just to express their conviction that the American people, with a due regard to their national honour, will promptly discountenance these unhallowed proceedings, which, this House believe, will turn out to be those of a few unprincipled adventurers ; and this House look confidently to the Government of the United States for that line of conduct which is consistent with good faith and the solemn obligations of existing treaties with the British nation. That should this House unfortunately be deceived in these just and reasonable anticipations, and should this unwarrantable invasion proceed, they beg to assure His Excellency that the people of this Province will faithfully perform their duty ; and they doubt not that, in defending their domestic hearths, their wives and families, from hostility and destruction, they will fight under the protection of the God of Battles who will give victory to their arms—nor do this House fear but that the protection of the mighty Empire, of which we form a portion, will be extended to our aid, and that her warriors will rush to assist us in this struggle for all that is dear to us as men and as Britons, as well as to vindicate the national honour and to chastise the unprovoked invaders of the soil. That this House await, however, the replies to the communication addressed to the Governor of the State of New-York, and to Her Majesty's Minister at Washington, by His Excellency, in full confidence that they will contain an explicit assurance that this House need not apprehend any further aggression on the part of the citizens of the United States, or from any portion of their territory upon the Province of Upper Canada. That this House rejoice to hear, that, in the meantime, the defence of the frontier is entrusted to the gallant Militia, and that His Excellency has made arrangements for calling forth the whole strength of the country, should circumstances render such a course necessary.

That this House will direct their attention to the public accounts and to a consideration of the estimates for the ensuing year, as soon as they shall be laid before them.

That this House will not fail to provide for the proper support of the Civil Government ; and, should an expenditure of more than an ordinary character be requisite for the safety of the

Resolutions in answer to Speech at opening of Session.

Province, this House will not hesitate in making such a provision as the exigency of the case may require.

That the propriety of indemnifying any of the inhabitants of this Province who have sustained serious losses from the outrageous acts of the insurgents, and of providing pensions for the very few subjects of Her Majesty who may have been disabled by wounds received in defence of their laws, will engage the serious consideration of this House. That this House will not fail to devote their earliest consideration to such measures as are called for by the present state of affairs, and as will tend to secure the safety of the Province; and, in favour of these important objects, this House will postpone the consideration of such matters as the interests of the Country do not require should be at once attended to.

That this House feel that the people who at this inclement season forsook their families and rushed in thousands to the defence of their independence and their laws, deserve that every exertion should be made by this House for their future protection, and that they are sensible of the necessity that exists of providing for the suppression of such guilty proceedings as were displayed in the recent insurrection in their earliest stages.

That this House trust, that, in the exercise of a sound discretion, they will be able to devise such measures as may be best suited for maintaining the public tranquillity and for protecting the lives and property of Her Majesty's subjects.

That the most serious consideration of this House shall also be directed to the means of preventing or repelling such hostile aggressions by the people of a friendly power as the frontier at present exhibits, and that this House confidently believe that they will be able to maintain the safety and honour of the Province as an integral portion of the British Empire;—that, watchful over the designs of their enemies, and prompt in firmly resisting their attacks, the people will endeavour to sustain their character as a British Province, and to show themselves worthy of the land from which they and their forefathers have sprung.

A. McLean, Esq., M. P. for Stormont, introduced.

Alexander McLean, Esq. Member for the County of Stormont, having been sworn, was introduced by Messrs. Solicitor-General and Jarvis,—and took his seat.

On adopting Resolutions.

Amendment moved.

On the question for adopting the above Resolutions being put, Mr. Bockus, seconded by Mr. Cameron, moved that the question be not now put, but that it be amended by expunging all of the 6th clause after the word "Session."

Division.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—11.

Messieurs *Bockus, Cameron, Deltor, Ferrie, McDonell* of Stormont, *McIntosh, McKay, Morris, Norton, Parke, Shaver, Thomson, Wickens, Woodruff*—14.

N A Y S.

Nays—21.

Messieurs *Armstrong, Attorney-General, Boulton, Caldwell, Cartwright, Cornwall, Dunlop, Elliott, Gowan, Jarvis, Lewis, Malloch, Manahan, Marks, McCrae, McLean, Murney, Richardson, Shade, Sherwood, Solicitor-General*—21.

Amendment lost, majority 7.

The question of Amendment was decided in the negative by a majority of seven.

On original question:

On the Original Question the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—33.

Messieurs *Armstrong, Attorney-General, Bockus, Boulton, Caldwell, Cameron, Cartwright, Cornwall, Deltor, Dunlop, Elliott, Ferrie, Gowan, Jarvis, Lewis, Malloch, Manahan, Marks, McCrae, McDonell* of Stormont, *McIntosh, McKay, McLean, Morris, Murney, Richardson, Shade, Shaver, Sherwood, Solicitor-General, Thomson, Wickens, Woodruff*—33.

N A Y S.

Nays—2.

Messieurs *Norton, Parke*—2.

Resolutions adopted, majority 31.

The question was carried in the affirmative by a majority of thirty-one, and the Resolutions were adopted.

On motion of Mr. Sherwood, seconded by Mr. Cornwall.

Committee to draft the Address.

Ordered—That the Resolutions be referred to a Select Committee to draft and report an Address thereon, and that Messrs. Gowan and Boulton do form said Committee.

Pursuant to notice, Mr. Gowan, seconded by Mr. Morris, moves for leave to bring in a Bill providing for the appointment of Boundary Line Commissioners in the several Districts of this Province.

Boundary Commissioners Bill brought in and read first time.

Which was granted, and the Bill was read the first time.

Ordered—That the Bill be read a second time on Monday next.

2nd reading Monday.

Adjourned.

Monday, 1st January, 1838.

The House met.

The minutes of Saturday were read.

Pursuant to the order of the day, the Address to Her Majesty, of Condolence and Congratulation, was read the third time and passed, and is as follows:—

Address of condolence passed.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,—

We, your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, most humbly address your Majesty, condoling with your Majesty on the loss which the Empire has sustained by the demise of His late Majesty, King William the Fourth, of blessed memory, assuring your Majesty that this House, representing, as it does, the free voice of the people of Upper Canada, mourns over the heavy affliction with which it has pleased an all-wise Providence to visit the glorious Empire of which the people of this Province are proud to form a part, by the removal from this transitory life, of a Sovereign, the recollection of whose private and public benevolence and magnanimity will remain for ages yet to come, embalmed in the grateful recollection of your Majesty's Canadian subjects.

Address.

That while this House condoles with your Majesty, and sympathises with all classes of your Majesty's faithful people, on the melancholy bereavement with which the Empire has been afflicted—it is nevertheless consoled in its sorrows by having the British Sceptre descend to a young and amiable Sovereign, whose virtues and Education afford the fullest assurance to her people that her reign will be characterized by a firm adherence to those principles of religious and civil liberty which called her illustrious family to the throne, and which, for ages, has distinguished the Sovereigns of Great Britain.

And we do further assure your Majesty that with no class of your Majesty's subjects has your Majesty's accession to the throne of your ancestors, been hailed with more joy and satisfaction than by the people of Upper Canada, and that your Majesty may rest assured, that this House as their peculiar and Constitutional representative and organ, will not fail to impress upon them a steady adherence to those religious and loyal principles, which, in every hour of adversity or emergency, has never failed to distinguish your Majesty's faithful Canadian subjects.

H. RUTTAN,

Speaker.

Commons House of Assembly, }
1st day of January, 1838. }

On motion of Mr. Richardson, seconded by Captain Dunlop,

Ordered—That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency may be pleased to transmit to Her Majesty the Address of this House, and that Messrs. Gowan and Sherwood be appointed a committee to draft and report such Address.

Address to transmit the above ordered.

Pursuant to the order of the day, the following petitions were read:—

Petitions read.

Of William Bennett Rich, and four hundred and ninety-six others of the County of Huron, praying that said county may be erected into a separate District.

W. B. Rich and others.

Of W. F. Gooding, and one hundred and three others, of the District of London, praying for the erection of a Lunatic Asylum.

W. F. Gooding and others.

Of E. C. Taylor, J. P., and four others, of the County of Huron, praying that the duty on salt imported from the United States may be taken off.

E. C. Taylor, J. P. and others.

E. C. Taylor and others.

Of E. C. Taylor and four others, of the same place, praying that the Huron Fishery Company may be incorporated.

A. Innes and others.

Of Alexander Innes and ninety-three others, of the township of Beverly, (Halton,) praying that the late survey of James Kirkpatrick, Esq. may not take effect, but that they may remain as at present located.

Freeman Bray.

Of Freeman Bray, of the township of Trafalgar, (Halton) praying remuneration for a vessel lost on account of the Light House on Gibraltar Point not being properly lighted.

Robert Edmondson.

And of Dr. Robert Edmondson, of the town of Brockville, praying to be remunerated for his services during the cholera.

Petitions referred.

On motion of Captain Dunlop, seconded by Mr. Gowan,

Of W. B. Rich and others.

Ordered—That the petition of William Bennett Rich and others be referred to a select committee, consisting of Messrs. Wickens and McCrae, with power to report by bill or otherwise.

Of E. C. Taylor, J. P., and others.

On motion of Captain Dunlop, seconded by Mr. Gowan,

Ordered—That the petition of E. C. Taylor and others, respecting the Huron Fisheries, be referred to a select committee, consisting of Messrs. McCrae and Wickens, with power to report by bill or otherwise.

Of W. Gooding and others.

On motion of Captain Dunlop, seconded by Mr. Gowan,

Ordered—That the petition of William Gooding and others be referred to a select committee, consisting of Messrs. McCrae and Wickens, with power to report by bill or otherwise.

Of R. Edmondson.

On motion of Mr. Sherwood, seconded by Mr. Boulton,

Ordered—That the petition of Robert Edmondson be referred to a select committee, to report thereon by bill or otherwise, and that Messrs. Gowan and Morris do compose said committee, with power to send for persons and papers.

NOTICES:

Of Bill to alter time for holding Court of Quarter Sessions, Niagara District.

Mr. Richardson gives notice that he will, on to-morrow, move for leave to bring in a bill to alter the time of holding the Court of General Quarter Sessions, in the District of Niagara.

Of Bill to suspend proceedings in Civil Cases.

Mr. Richardson gives notice that he will, on Monday next, move for leave to bring in a bill to suspend proceedings in civil cases for a limited period.

Of Bill for impartial trial of Treason.

Mr. Attorney General gives notice that he will, on to-morrow, move for leave to bring in a bill for the more convenient and impartial trial of persons accused of high treason in this Province.

Of motion for the annual Bank Returns.

Mr. Solicitor-General gives notice that he will, on Monday next, move that the Bank of Upper Canada, the Commercial Bank of the Midland District, and the Gore District Bank, be required to furnish the annual statements of their operations, as prescribed in their respective Acts of Incorporation.

Of Bill to amend Act for relief of A. Deacon.

Mr. Bockus gives notice that he will, on to-morrow, move for leave to bring in a Bill to amend an Act entitled "An act for the Relief of Andrew Deacon."

Of Bill to amend Ejectment Law.

Mr. Bockus gives notice that he will, on to-morrow, move for leave to bring in a Bill to amend the Law of Ejectment in certain cases.

Of Committee of Supply on support of Common Schools for 1838.

Mr. Gowan gives notice that he will, on to-morrow, move that the House be placed in a committee of supply for the purpose of voting a sum of money for the support of common schools for 1838.

Of Bill to amend Brockville and St. Francis Road Act.

Mr. Gowan gives notice that he will, on to-morrow, move for leave to introduce a bill to amend an Act, entitled, "An Act to raise a sum of money to macadamize the roads leading from Brockville to St. Francis, Charleston, Lyndhurst, Beverly, and Portland, in the District of Johnstown, and to authorize the erecting of Toll gates on the said roads."

Mr. Solicitor General gives notice that he will, on Wednesday next, move for leave to bring in a bill to regulate the costs of levying distresses for small rents and penalties.

Of Bill to regulate costs of levying Distresses.

Mr. Morris gives notice that he will, on to-morrow, move an humble Address to His Excellency the Lieutenant Governor, praying that His Excellency may be pleased to inform this House, by whose authority an armed force under the command of Captain Drew, was on the night of Friday last despatched from Chippewa to Port Schlosser, in the State of New York, to destroy a vessel then lying in that port.

Of Address on destruction of a vessel at Port Schlosser.

Mr. Gowan, from the committee to draft and report an address founded on the resolutions of this House in answer to His Excellency's Speech at the opening of the present Session, reported a draft, which was received and read twice.

Address in answer to Speech reported and read twice.

Mr. Attorney General, seconded by Mr. Solicitor General, moves, that after the word "necessary" the following be inserted:—"The complete success that has attended the operations ably planned and gallantly executed by that distinguished commander, Lieutenant General Sir John Colborne, in Lower Canada, and the brave officers and men, militia and troops of the line, under his command, claims our warmest admiration and thanks. We, however, are deeply sensible that to an overruling Providence we are indebted for the preservation and protection with which we have been so signally blessed,—and we humbly trust to that divine and merciful Power to put a speedy termination to the dissensions that have so deeply affected the peace of these Provinces."

Amendment.

Which was carried.

Mr. Sherwood, seconded by Mr. Gowan, moves that the Address be not engrossed and read a third time to-morrow, but that it be engrossed and read a third time this day, and that the 40th rule of this House be dispensed with so far as relates to the same.

3rd reading to-day.

Which was carried.

Captain Dunlop, from the select committee to which was referred the petition of John Ford Maddock, Esq., informed the House that the committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Committee on petition of J. F. Maddock report Bill for his relief.

The report was received, and the bill was read the first time.

Bill read first time.

Ordered—That the bill for the relief of J. F. Maddock be read a second time to-morrow.

2nd reading to-morrow.

Pursuant to notice, Mr. Gowan, seconded by Mr. Richardson, moves, that Messrs. Sherwood, Morris, Norton, and Shade, be appointed a select committee to take into consideration the best mode of procuring compensation for Jurors who may be summoned to attend the Courts of Assize and Nisi Prius and General Gaol Delivery, and also of the several Courts of General Quarter Sessions and District Courts within this Province, with power to send for persons and papers, and to report to this House by bill or otherwise.

Select Committee appointed on compensation of Jurors.

Which was carried.

Captain Dunlop, seconded by Mr. Richardson, moves, that it be **Resolved**,—That a vote of Thanks be presented by this House, to the officers, non-commissioned officers, and volunteers of this Province, in testimony of its admiration at the brave and loyal manner in which they have vindicated their rights and liberties as British subjects, and its respect for the deep attachment they have evinced for our Sovereign Lady the Queen, and the Constitution of this Province.

Vote of thanks to Militia and Volunteers.

Which was carried, *nem. con.*

Carried *nem. con.*

PRESENT—Messieurs Attorney General, Boulton, Caldwell, Cameron, Cartwright, Cornwall, Dellar, Dunlop, Ferrie, Gowan, Jarvis, Kearnes, Lewis, Malloch, Manahan, Marks, McCrae, McDonnell (Stormont,) McIntosh, McKay, McLean, Murney, Morris, Norton, Parke, Richardson, Shade, Shaver, Sherwood, Wickens, Woodruff—31.

Present.

Resolution to be transmitted to Adj. General.

Registry bill brought in, and read first time.

2nd reading to-morrow.

Address for despatches on Currency Law, ordered.

Address reported and read twice.

3rd reading to-day.

Bill to secure persons suspected of conspiracy again committed.

Progress reported.

Address in answer to Speech read third time.

On passing.

Yeas—29.

Nays—2.

Carried, majority 27.

Address

On motion of Mr. Sherwood, seconded by Captain Dunlop,
Ordered—That a copy of the foregoing resolution be transmitted to the Adjutant General of Militia of this Province.

Pursuant to notice, Mr. Sherwood, seconded by Mr. Boulton, moves for leave to bring in a bill to repeal and amend the Registry Laws of this Province, and for other purposes therein mentioned.

Which was granted, and the Bill was read the first time.

Ordered, That the bill be read a second time to-morrow.

Pursuant to notice, Mr. Sherwood, seconded by Mr. Boulton, moves that it be *Resolved*—That an humble Address be presented to His Excellency the Lieutenant Governor, requesting His Excellency to inform this House whether any despatches have been received from the Colonial Secretary in reference to an Act passed during the 2nd Session of the 12th Parliament, entitled, "An Act to repeal and amend certain Acts of this Province in relation to the gold and silver coins made current by law, and to make further provision respecting the rates at which certain gold and silver coins shall pass current in this Province," and if so that His Excellency will be pleased to transmit copies of the same for the information of this House, and that Messrs. Boulton and Cartwright be a committee to draft and report the same.

Which was carried.

Mr. Boulton, from the committee to draft and report an Address founded on the above resolution, reported a draft, which was received and read twice, and ordered to be engrossed and read a third time this day.

Pursuant to the order of the day, the House was again put into a committee of the whole on the bill to secure and detain persons suspected of conspiracy.

Mr. Marks in the Chair.

The House resumed.

The chairman reported that the committee had made some further progress in the bill, and asked leave to sit again this day.

The Report was received, and leave granted accordingly.

Pursuant to the order of the day, the Address in answer to His Excellency's Speech at the opening of the present Session, was read the third time.

On the question for passing the Address, the yeas and nays were taken as follows:

Y E A S.

Messieurs Attorney General, Bockus, Boulton, Caldwell, Cartwright, Cornwall, Deltor, Dunlop, Ferrie, Gowan, Jarvis, Kearnes, Lewis, Malloch, Manahan, Marks, McCrae, McDonell of Stormont, McKay, McLean, Murney, Morris, Richardson, Shade, Shaver, Sherwood, Solicitor General, Wickens, and Woodruff—29.

N A Y S.

Messieurs Norton and Parke—2.

The question was carried in the affirmative by a majority of twenty seven, and the Address was passed, and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, do most humbly thank your Excellency for your Gracious Speech from the Throne at the opening of the present Session; and we most sincerely accord with your

Excellency in your expression of condolence on the loss which has been sustained in the demise of his late Gracious Majesty, William the Fourth, whose memory will long be held in filial gratitude and respect by the inhabitants of this Province.

Address in answer
to Speech at opening
of Session.

And we also avail ourselves of this opportunity to express our heartfelt pleasure in the Accession of Her Majesty, Queen Victoria, to the Throne of her Ancestors, to whom we cheerfully offer the pledge of our enduring loyalty and unshrinking support.

We feel it unnecessary to say, that we participate with your Excellency in the pain experienced by your Excellency at the altogether unexpected and unnatural rebellion that has recently appeared in this and one other District of the Province. Your Excellency has truly declared, that, looking to the enviable state of happiness and prosperity of the Country, this attempt on the part of a few wicked and misguided men is too remarkable not to demand serious notice and consideration; and we assure Your Excellency, its origin and progress, now well known and understood, will receive from us the most grave and serious attention. In the meantime we feel proud in the new and convincing proof the brave and loyal Militia of this Province have given of the truth of the assurance that has been many times and confidently transmitted to the Sovereign by their Representatives in Provincial Parliament, that the British Crown cannot boast of more faithfully-devoted Subjects than the Inhabitants of Upper Canada.

It is not a matter of surprise to us, that,—although all the disaffected of this Province, (however encouraged or by whatever hopes led on,) having combined to overthrow our Institutions and to sever the union from the Parent State, which we so dearly cherish as our greatest blessing, but which has been denounced as a “baneful domination,” suddenly appeared in arms to effect their purpose,—the loyal Subjects of our Queen, at a moment when they believed themselves in perfect security from so foul and unnatural a treason, and were therefore wholly unprepared to defend themselves from the unexpected assault, should have risen in indignant power, and gallantly and patriotically crushed the daring and unprincipled efforts of their assailants. To the calls of honour—of duty and of patriotism—the great body of the people of Upper Canada have ever shown themselves alive; and by these principles, and these only, have they been actuated in the recent contest, and by them will they be governed in all time to come. Neither can we forbear to notice and to acknowledge, with heartfelt satisfaction and delight, that which justice and truth demand at our hands—that, among those who flew to arms in defence of our Constitution and our Laws, men of all creeds and parties, forgetting local differences and distinctions of Politics, were to be found. And we can only hope that these indisputable facts will be remembered by the British Nation when the enemies of our peace and our honour shall raise their voices against us in the British senate or elsewhere.

That we think it unnecessary at this moment to remark more at large on the origin and progress of the calamity we have been called upon to deplore,—as a more fit opportunity will probably present itself before the close of the present Session. It may, however, be consistent with candour and the dictates of a solemn duty, that this House should intimate now, and upon all occasions, that the root of the evil is not to be found in this Province, but in the unwise and mistaken policy which has for years past been pursued by those who were bound to consider in what way protection could be best given to the loyal, rather than encouragement to the disaffected, and to have acted accordingly.

The contrition evinced by hundreds of deluded and misguided men, who declare themselves to have been deceived into the commission of the crimes of which they now stand charged, is gratifying to the feelings of every humane and benevolent mind;—and we are grateful to Divine Providence that the effusion of human blood, in this unnatural contest, has been so slight. Neither can we pass over, without distinct notice and approbation, the able manner in which the service committed by Your Excellency to Colonel MACNAB, the Speaker of this House, was performed by that Officer in the London District.

We assure Your Excellency that it is with surprise and regret we learn that, after peace and tranquillity had been restored in the Province, by the defeat and dispersion of all those who had taken up arms in rebellion, we should be threatened with a hostile invasion by the citizens of a foreign country with whom the Government is at peace. The pretext for aiding the cause and enlisting in the service of the few fugitives who,—shunning the avenging arm of offended Justice, which was raised to punish them for Murder, Arson, and Robbery,—sought to cloak their real character under the sacred names of patriotism and liberty, is too flimsy to impose on any one, or to place their conduct in any other light than that of an atrocious aggression of the laws, liberty, and property of the people of Upper Canada. But we feel it just to express our conviction that the American people, with a due regard to their national honour, will promptly discountenance these unhallowed proceedings, which, we believe, will turn out to be those of a few unprincipled adventurers; and we look confidently to the Government of the United States for that line of conduct which is consistent with good faith and the solemn obligations of existing treaties with the British nation. Should we unfortunately be deceived in these just and reasonable anticipations, and should this unwarrantable invasion proceed, we beg to assure Your Excellency that the people of this Province will faithfully perform their duty; and, we doubt not, that, in defending their domestic hearths, their wives and families, from hostility and destruction, they will fight under the protection of the God of Battles who will give victory to their arms—nor do we fear but that the protection of the mighty Empire, of which we form a portion, will be extended to our aid, and that her warriors will rush to assist us in this struggle for all that is dear to us as men and as Britons, as well as to vindicate the national honour and to chastise the unprovoked invaders of the soil. We await, however, the replies to the

Address in answer
to Speech at opening
of Session.

communication addressed to the Governor of the State of New-York, and to Her Majesty's Minister at Washington, by Your Excellency, in full confidence that they will contain an explicit assurance that we need not apprehend any further aggression on the part of the citizens of the United States, or from any portion of their territory upon the Province of Upper Canada;—and we rejoice to hear, that, in the meantime, the defence of the frontier is entrusted to the gallant Militia, and that Your Excellency has made arrangements for calling forth the whole strength of the country, should circumstances render such a course necessary. The complete success that has attended the operations ably planned and gallantly executed by that distinguished commander, Lieut. General Sir John Colborne, in Lower Canada, and the brave officers and men, militia and troops of the line, under his command, claims our warmest admiration and thanks. We, however, are deeply sensible that to an overruling Providence we are indebted for the preservation and protection with which we have been so signally blessed. And we humbly trust to that divine and merciful Power to put a speedy termination to the dissensions that have so deeply affected the peace of these Provinces.

We shall direct our attention to the public accounts and to a consideration of the estimates for the ensuing year, as soon as they shall be laid before us.

We will not fail to provide for the proper support of the Civil Government; and, should an expenditure of a more than ordinary character be requisite for the safety of the Province, we shall not hesitate in making such a provision as the exigency of the case may require.

The propriety of indemnifying any of the inhabitants of this Province who have sustained serious losses from the outrageous acts of the insurgents, and of providing pensions for the very few subjects of Her Majesty who may have been disabled by wounds received in defence of their laws, will engage our serious consideration. We shall not fail to devote our earliest attention to such measures as are called for by the present state of affairs, and as will tend to secure the safety of the Province; and, in favour of these important objects, we shall postpone the consideration of such matters as the interests of the Country do not require should be at once attended to.

We feel that the people who at this inclement season forsook their families and rushed in thousands to the defence of their independence and their laws, deserve that every exertion should be made by us for their future protection, and we are sensible of the necessity that exists of providing for the suppression of such guilty proceedings as were displayed in the recent insurrection in their earliest stages.

We trust, that, in the exercise of a sound discretion, we shall be able to devise such measures as may be best suited for maintaining the public tranquillity and for protecting the lives and properties of Her Majesty's subjects.

Our most serious consideration shall also be directed to the means of preventing or repelling such hostile aggressions by the people of a friendly power as the frontier at present exhibits, and we confidently believe that we shall be able to maintain the safety and honour of the Province as an integral portion of the British Empire;—that, watchful over the designs of our enemies, and prompt in firmly resisting their attacks, the people will endeavour to sustain their character as a British Province, and to show themselves worthy of the land from which they and their forefathers have sprung.

Commons House of Assembly, }
1st day of January, 1838. }

H. RUTTAN,
Speaker.

On motion of Mr. Boulton, seconded by Mr. Cartwright,
Ordered—That Messrs. Sherwood and Morris be a Committee to

wait on His Excellency the Lieutenant-Governor to know when he will be pleased to receive the Address of this House in answer to the Speech from the Throne.

Mr. Sherwood, from the Committee to wait on His Excellency to know when he would be pleased to receive this House with its Address in answer to His Excellency's Speech at the opening of the present Session, reported that His Excellency would receive the House forthwith.

The House then waited upon His Excellency with the Address, and being returned, Mr. Speaker reported that His Excellency had been pleased to make thereto the following Reply:—

GENTLEMEN OF THE HOUSE OF ASSEMBLY,—

I thank you for, and duly appreciate, the loyal and patriotic sentiments contained in your Address.

On motion of Mr. Boulton, seconded by Mr. Caldwell,

Ordered—That 1000 copies of the Address in Answer to the Speech from the Throne be printed for the use of Members, as also the like number of His Excellency's Reply.

Committee to wait on
His Excellency respect-
ing Address.

His Excellency will
receive the House with
the Address forthwith.

House waits on His
Excellency accordingly.

His Excellency's reply.

1000 copies of Address
and reply to be printed.

PRESENT—Messieurs *Bockus, Boulton, Cartwright, Ferrie, Gowan, Kearnes, Lewis, Malloch, Manahan, McCrae, McIntosh, McLean, Murney, Morris, Norton, Parke, Richardson, Shaver, and Woodruff*—19. No quorum.

At half-past one o'clock the Speaker declared the House adjourned for want of a Quorum.

Tuesday, 2d January, 1838.

The House met.

The minutes of yesterday were read.

Mr. Boulton, seconded by Mr. Murney, moves that it be *Resolved*—That the Quorum of this House be reduced to seventeen Members instead of twenty-three, and that the fourth rule of this House be rescinded for that purpose. Motion that 17 do form a quorum.

On which the Yeas and Nays were taken, as follows:—

Division.

Y E A S.

Messieurs *Armstrong, Attorney-General, Bockus, Boulton, Cartwright, Cornwall, Dellow, Murney*—8. Yeas—8.

N A Y S.

Messieurs *Caldwell, Dunlop, Ferrie, Gowan, Kearnes, Lewis, Malloch, Manahan, Marks, McCrae, McIntosh, McKay, McLean, Morris, Norton, Parke, Richardson, Shade, Shaver, Sherwood, Solicitor-General, Woodruff*—22. Nays—22.

The question was decided in the negative by a majority of fourteen. Lost, majority 14.

On motion of Mr. Gowan, seconded by Mr. Bockus,

Ordered—That the name of Morris be added to the Committee appointed to superintend the Printing of this House during the present Session. Mr. Morris added to Printing committee.

The following Petitions were severally brought up and laid on the table:— Petitions brought up.

By Mr. Bockus, the Petition of Calvin Pier and thirty-six others of the town of Picton, (Prince Edward;) and the Petition of Elisha Huff and eighty-eight others, of the second concession of Sophiasburgh, west of Green Point, (Prince Edward.) C. Pier and 36 others.
E. Huff and 88 others.

By Mr. Morris, the petition of John Farrell, of the town of Brockville; and the petition of William Fraser, of the township of Cornwall, Eastern District. John Farrell,
Wm. Fraser.

By Mr. McLean, the petition of Charles Fothergill and Charles Forbes Fothergill, Proprietors of the "Palladium" Printing Establishment, City of Toronto. C. Fothergill and
C. F. Fothergill.

And by Captain Dunlop, the petition of Joseph K. Hartwell and seven others, Magistrates of the District of Johnstown. J. K. Hartwell and
7 others.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor, praying for information respecting the Currency Law, was read the third time and passed, and is as follows:— Address on Currency
Law read third time
and passed.

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

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that your Excellency will be pleased to inform this House whether any despatches have been received from the Colonial Secretary in reference Address.

to an Act passed during the 2nd Session of 12th Parliament, entitled, "An Act to repeal and amend certain Acts of this Province in relation to the gold and silver coin made current by law, and to make further provision respecting the rates at which certain gold and silver coins shall pass current in this Province," and if so, that your Excellency will be pleased to transmit copies of the same for the information of this House.

H. RUTTAN,
Speaker.

Commons House of Assembly, }
2nd January, 1838. }

On motion of Mr. Sherwood, seconded by Mr. Cornwall,
Ordered—That Messrs. Caldwell and Ferrie be a committee to wait on His Excellency the Lieutenant Governor, with the Address of this House on the subject of the Currency Law.

Mr. Jarvis gives notice that he will, on to-morrow, move for leave to bring in a bill to alter the practice of the several District Courts in this Province, and to extend the powers of the said Courts.

Mr. Jarvis gives notice that he will, on to-morrow, move for leave to bring in a bill to alter the law with respect to the liability of Executors of Joint Contractors and defendants on Joint Judgments.

Mr. Gowan gives notice that he will, on to-morrow, move for leave to introduce a bill to prevent the return to this Province of such persons as may have absconded to the United States of America during the late or present rebellion, and to render all such persons as may have refused to take up arms in defence of their country, during the said rebellion, incapable of exercising any political or civil immunity or right. And for disabling such persons from filling any office, civil or military, within this Province.

Mr. Cartwright gives notice that he will, on to-morrow, move for leave to bring in a bill to provide for the better erection and government of gaols in the several Districts of this Province.

Mr. Bockus gives notice that he will, on to-morrow, move for leave to bring in a bill to repeal certain clauses of an Act passed in the British Parliament in the 31st year of the reign of His late Majesty King George the 3rd, chap. 31, relating to the establishment of Rectories within this Province.

Captain Dunlop gives notice, that, to-morrow, he will move that an Address be presented to Her Majesty's Government, requesting that the Agricultural Interests and Fisheries of this Province may be placed on an equal footing with those of the Lower Province, by removing the duty on salt exported from Great Britain to Upper Canada.

Mr. Solicitor-General gives notice that he will, on Monday next, move for leave to bring in a Bill for the Abolition of Imprisonment for Debt, except in cases of fraud.

Mr. Cartwright gives notice that he will, on to-morrow, move for leave to bring in a Bill to Postpone the Sale of Lands in Arrear for Taxes for twelve months.

Captain Dunlop, from the Select Committee to which was referred the Petition of William Bennett Rich and others, informed the House that the Committee had agreed to report by Bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

The Report was received, and the Bill was read the first time.

Ordered—That the Huron District Bill be read a second time to-morrow.

Mr. Sherwood, from the committee to draft and report an Address to His Excellency the Lieutenant Governor, requesting him to transmit to Her Majesty the Address of condolence and congratulation, reported a draft, which was received and read three times and passed, and is as follows:—

Committee to wait on His Excellency with Address.

NOTICES:
Of bill to alter Practice of District Courts.

Of Bill to alter law respecting executors of joint contractors.

Of bill to prevent return of absconding rebels, &c.

Of Bill to regulate erection, &c. of gaols.

Of Bill to amend British Statute on Rectories.

Of Address to remove duty on Salt.

Of bill to abolish imprisonment for debt.

Of bill to postpone sale of lands for taxes.

Select committee on petition of W. B. Rich and others, report Huron District bill.

Bill read first time.

2nd reading to-morrow.

Address to transmit Address of condolence reported, read thrice, and passed.

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

MAY IT PLEASE YOUR EXCELLENCY:

We Her Majesty's dutiful and loyal subjects the Commons of Upper Canada, in Provincial Parliament assembled, having passed an Address to Her Majesty condoling with Her Majesty on the demise of His late Majesty King William the Fourth, &c., humbly request that Your Excellency will be pleased to transmit the same to Her Majesty's Principal Secretary of State for the Colonies, to be by him laid at the foot of the Throne.

Address.

*Commons House of Assembly, }
2nd day of January, 1838. }*

H. RUTTAN,
Speaker.

On motion of Mr. Richardson, seconded by Captain Dunlop,

Ordered—That Messrs. Gowan and Sherwood be a committee to wait upon His Excellency the Lieutenant Governor to ascertain when he will be pleased to receive this House with the Address of condolence to Her Majesty.

Pursuant to the order of the day, the House was again put into committee of the whole on the bill to secure and detain persons suspected of high treason.

Bill to secure persons suspected of Treason again committed.

Mr. Detlor in the Chair.

The House resumed.

The chairman reported that the committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

Reported amended.

The Report was received.

On the question for the third reading of the Bill to-morrow, the Yeas and Nays were taken, as follows:—

On third reading to-morrow,

Y E A S.

Messieurs *Armstrong, Attorney-General, Bockus, Boulton, Caldwell, Cartwright, Cornwall, Dellor, Dunlop, Ferrie, Jarvis, Kearnes, Lewis, Malloch, Manahan, McCrae, McKay, McLean, Murney, Richardson, Shade, Sherwood, Solicitor-General, Wickens*—24.

Yeas—24.

N A Y S.

Messieurs *Gowan, McIntosh, Morris, Norton, Parke, Shaver, Woodruff*—7.

Nays—7.

The question was carried in the affirmative by a majority of seventeen, and the Bill was ordered to be engrossed and read a third time to-morrow.

Carried, majority 17.

Pursuant to the order of the day, the Bill to amend the Militia Laws of this Province was read the second time.

Militia bill read second time and committed.

On the question for the House to go into a Committee of the whole on the Bill,

In Amendment, Mr. Gowan, seconded by Mr. McKay, moves that the House do not now resolve itself into a Committee of the whole on the said Bill, but that it be referred to a Select Committee, consisting of Messrs. Attorney-General, Richardson, Dunlop, Sherwood, and Lewis, with liberty to report by bill or otherwise.

Referred to select committee.

Which was carried.

On motion of Mr. Richardson, seconded by Captain Dunlop,

Ordered—That the name of Gowan be added to the Committee on the Militia Bill.

Mr. Gowan added.

Pursuant to the order of the day, the Bill to Relieve Persons having conscientious scruples from taking an Oath, was read the second time.

Bill to relieve persons from taking an oath, read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Caldwell in the Chair.

The House resumed.

Committee rises.

The Chairman reported that the Committee had risen.

On receiving report,

On the question for receiving the Report, the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—20.

Messieurs *Armstrong, Attorney-General, Boulton, Caldwell, Cartwright, Cornwall, Dellar, Kearnes, Lewis, Malloch, McIntosh, McLean, Morris, Norton, Richardson, Shade, Sherwood, Solicitor General, Wickens, Woodruff*—20.

N A Y S.

Nays—7.

Messieurs *Bockus, Gowan, Jarvis, Manahan, McDonell of Stormont, Parke, Shaver*—7.

Carried, majority 13.

The question was carried in the affirmative by a majority of thirteen, and the Report was received.

Machinery bill read second time and committed.

Pursuant to the order of the day, the Bill to protect the public against injury from Mills, Machinery, &c. was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Kearnes in the Chair.

The House resumed.

Reported without amendment.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The report was received.

On third reading to-morrow,

On the question for the third reading of the bill to-morrow, the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—12.

Messieurs *Attorney General, Gowan, Jarvis, Kearnes, Manahan, Marks, McIntosh, McLean, Norton, Richardson, Shaver, Thomson*—12.

N A Y S.

Nays—11.

Messieurs *Armstrong, Bockus, Boulton, Cartwright, Cornwall, Dellar, Malloch, Parke, Shade, Sherwood, Solicitor General*—11.

Carried, majority 1.

The question was carried in the affirmative by a majority of one, and the bill was ordered to be engrossed and read a third time to-morrow.

Expiring laws continuation bill read second time and committed.

Pursuant to the order of the day, the bill to continue the expiring laws till the end of next Session was read the second time.

The House was put into a Committee of the Whole on the Bill.

Mr. Armstrong in the chair.

The House resumed.

Reported without amendment.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

The report was received.

3rd reading Monday,

Ordered—That the bill be engrossed and read a third time on Monday next.

Select committee appointed on political state of the Canadas.

Pursuant to notice, Mr. Sherwood, seconded by Mr. Caldwell, moves that Messrs. Attorney General, Cartwright, McKay, McDonell of Stormont, Solicitor General, Boulton, and Gowan, be a committee to enquire into the present political state of the Provinces of Upper and Lower Canada, with power to send for persons and papers, and to report thereon, and that the 29th rule of this House be dispensed with for that purpose.

Which was carried.

On motion of Mr. Gowan, seconded by the Solicitor General,

Ordered—That the name of Sherwood be added to the committee on the state of the Provinces.

Mr. Sherwood added to select committee.

Pursuant to notice, Mr. Attorney General, seconded by Mr. Solicitor General, moves for leave to bring in a bill to provide for the more effectual

Bill to provide for trial of treason brought in.

and impartial trial of persons charged with high treason, misprision of treason, and treasonable practices in this Province.

Which was granted, and the Bill was read the first time.

Ordered—That the bill be read a second time to-morrow.

2nd reading to-morrow.

Pursuant to notice, Mr. Richardson, seconded by Mr. Shade, moves for leave to bring in a bill to alter the time of holding the Court of General Quarter Sessions of the Peace in the District of Niagara for a limited period.

Niagara Quarter Sessions bill brought in.

Which was granted, and the Bill was read the first time.

On the question for the second reading of the bill to-morrow,

In amendment, Mr. Richardson, seconded by Mr. Shade, moves, that the bill to alter the time of holding the Court of General Quarter Sessions of the Peace in the District of Niagara for a limited period be read a second time this day, and that the 40th rule of the House be dispensed with for that purpose.

Which was carried, and the bill was read the second time.

Bill read second time and committed.

The House was put into committee of the whole on the bill.

Mr. Manahan in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow.

3rd reading to-morrow.

Adjourned.

Wednesday, 3rd January, 1838.

The House met.

The Minutes of yesterday were read.

Mr. Merritt brought up the Petition of T. Butler and one hundred and sixty-one others of the counties of Lincoln and Haldimand; which was laid on the table.

Petition of T. Butler and 161 others brought up.

Pursuant to the order of the day, the Bill to detain those suspected of Treason was read the third time.

Bill to detain persons suspected of treason read third time.

On the question for passing the bill,

On passing,

In amendment, Mr. Gowan, seconded by Mr. Morris, moves that the Bill do not now pass, but that it pass this day week.

Amendment moved.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Messieurs *Bockus, Gowan, McDonell* of Stormont, *Morris, Parke, Shaver, Thorburn, Woodruff*—8.

Yeas 8.

N A Y S.

Messieurs *Boulton, Caldwell, Cornwall, Dellar, Dunlop, Elliott, Ferrie, Jarvis, Kearnes, Lewis, Malloch, Manahan, Marks, McCrae, McKay, McLean, Murney, Richardson, Shade, Sherwood, Solicitor General, Wickens*—22.

Nays 22.

The question of amendment was decided in the negative by a majority of fourteen.

Amendment lost, majority 14.

In amendment, Mr. Solicitor-General, seconded by Mr. Malloch, moves that the Bill do not now pass, but that it be amended by adding, as a rider, to the first clause, the following proviso:—

Another amendment moved.

“ Provided always, that nothing in this Act contained shall extend, or be construed to extend, to any seditious language or other act of sedition, only uttered, spoken, committed, or done before the first day of December last.”

Division.

On which the Yeas and Nays were taken, as follows:--

Y E A S.

Yeas—22.

Messieurs. *Attorney General, Bockus, Caldwell, Cornwall, Deilor, Dunlop, Jarvis, Lewis, Malloch, Manahan, Marks, McCrae, McDonell* of Stormont, *McIntosh, McKay, Norton, Parke, Shade, Shaver, Solicitor General, Thorburn, Woodruff*—22.

N A Y S.

Nays—11.

Messieurs *Boulton, Cartwright, Elliott, Ferrie, Gowan, Kearnes, McLean, Murney, Morris, Richardson, Sherwood*—11.

Carried, majority 11.

The question was carried in the affirmative by a majority of eleven.

Machinery bill read third time.

Pursuant to the order of the day, the Bill to protect the public against Injury from Machinery was read the third time.

Bill referred to select committee.

On the question for passing the Bill,

In amendment, Mr. Gowan, seconded by Mr. Morris, moves that the Bill do not now pass, but that it be referred to a Select Committee, consisting of Messrs. Parke, Sherwood, and Manahan.

Which was carried.

Niagara Quarter Sessions bill read third time and passed.

Pursuant to the order of the day, the Niagara Quarter-Sessions' Bill was read the third time and passed.

Title.

Mr. Richardson, seconded by Mr. Woodruff, moves that the Bill be entitled "An Act to repeal part of and amend an Act passed in the 7th year of His late Majesty's Reign, entitled 'An Act to appoint the time and place for holding the Court of General Quarter-Sessions of the Peace, in each of the several Districts of this Province, and to repeal the several laws now in force for that purpose.'"

Which was carried; and Messrs. Richardson and Woodruff were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Leave of absence to Mr. Wickens for remainder of session.

Mr. Thorburn, seconded by Mr. Bockus, moves that James Wickens, Esquire, one of the Members for the County of Simcoe, have leave to absent himself from his duties as a Member of this House for the residue of this Session, for the purpose of giving his time and services, as an experienced officer of the Commissariat Department, to that department with the army on the Niagara frontier.

Which was granted.

Petitions read.

Pursuant to the order of the day, the following Petitions were read:—

C. Pier and 36 others.

Of Calvin Pier and thirty-six others of the Town of Picton, (Prince Edward,) praying for an Amendment of the Act Incorporating said town.

E. Huff and 88 others.

Of Elisha Huff and eighty-eight others of the second concession of Sophiasburgh, west of Green Point, (Prince Edward,) praying for the establishment of certain side lines.

J. Farrell,

Of John Farrell, of the town of Brockville, praying to be reimbursed certain expenses incurred in assisting destitute emigrants.

Wm. Fraser,

Of William Fraser, of the town of Cornwall, Eastern District, praying for a pension.

C. & C. F. Fothergill,

Of Charles Fothergill and Charles Forbes Fothergill, Proprietors of the "Palladium" Printing Establishment, City of Toronto, praying for a share of the printing of the House of Assembly.

J. K. Hartwell and 7 others.

And of Joseph K. Hartwell and seven others, Magistrates of the District of Johnstown, praying for the erection of a new Gaol and Court House at Brockville, in said district.

Notices.

Of Niagara Gaol limits extension bill.

Mr. Richardson gives notice that he will, on to-morrow, move for leave to bring in a bill to extend the Gaol limits of the District of Niagara to the whole district.

Mr. Richardson gives notice that he will, on to-morrow, move for leave to bring in a bill to protect Sheriffs and Bail for limits from actions in the event of persons in execution leaving the gaol limits for a limited period.

Of bill to protect Sheriffs and Bail in certain cases.

On motion of Mr. Morris, seconded by Mr. Gowan,

Ordered—That the Petition of Joseph K. Hartwell, Esq. and others be referred to a Select Committee, consisting of Messrs. McKay, Sherwood, and Gowan, with liberty to send for persons and papers, and to report by bill or otherwise.

Petitions referred. Of J. K. Hartwell, and others.

On motion of Mr. Bockus, seconded by Mr. Norton,

Ordered—That the petition of Elisha Huff and others be referred to a select committee, composed of Messrs. Jarvis and Thorburn, with power to send for persons and papers, and to report thereon by bill or otherwise.

Of E. Huff and others.

On motion of Mr. Bockus, seconded by Mr. Marks,

Ordered—That the Petition of Calvin Pier and others be referred to a Select Committee composed of Messrs. Malloch and Cameron, with power to send for persons and papers, and report thereon by bill or otherwise.

Of C. Pier and others.

Pursuant to the order of the day, the rider to the Bill to detain persons suspected of Treason was read the third time.

Rider to the Bill to secure persons suspected of Treason read third time.

On the question for passing the Bill,

In amendment, Mr. Sherwood, seconded by Mr. Norton, moves that the bill do not now pass, but that it be amended, by expunging the words “ end of the next ensuing Session of Parliament and no longer,” in the last clause, and inserting the words “ first day of July next.”

Amendment moved.

On which the Yeas and Nays were taken, as follows:—

Division,

Y E A S.

Messieurs *Armstrong, Bockus, Ferrie, Gowan, McDonell of Stormont, McIntosh, McKay, Morris, Norton, Parke, Shade, Shaver, Sherwood, Thorburn, Woodruff.*—15.

Yeas—15.

N A Y S.

Messieurs *Attorney General, Caldwell, Cartwright, Cornwall, Dettlor, Dunlop, Elliott, Jarvis, Kearnes, Lewis, Malloch, Manahan, Marks, McCrae, McDonell of Northumberland, McLean, Richardson, Solicitor General.*—18.

Nays—18.

The question of amendment was decided in the negative by a majority of three.

Lost, majority 3.

On the question for passing the bill, the yeas and nays were taken as follows:

On passing.

Y E A S.

Messieurs *Armstrong, Attorney General, Bockus, Caldwell, Cartwright, Cornwall, Dettlor, Dunlop, Elliott, Ferrie, Jarvis, Kearnes, Lewis, Malloch, Manahan, Marks, McCrae, McDonell of Northumberland, McKay, McLean, Richardson, Shade, Sherwood, Solicitor General.*—24.

Yeas—24.

N A Y S.

Messieurs *Gowan, McDonell of Stormont, McIntosh, Morris, Norton, Parke, Shaver, Thorburn, Woodruff.*—9.

Nays—9.

The question was carried in the affirmative by a majority of fifteen and the bill was passed.

Carried, majority 15.

Mr. Solicitor General, seconded by Mr. Manahan, moves that the bill be entitled, “ An Act to authorise the apprehending and detension of persons suspected of High Treason, misprision of Treason, and treasonable practices.”

Title.

Which was carried, and Messrs. Solicitor General and Manahan were ordered by the Speaker to carry the bill up to the Honorable the Legislative Council, and to request their concurrence thereto.

Bill to indemnify persons for apprehending those suspected of Treason, brought in.

Pursuant to notice, Mr. Solicitor General, seconded by Mr. Malloch, moves for leave to bring in a bill for indemnifying persons who since the 2nd December, 1837, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of High Treason or treasonable practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned.

Which was granted, and the Bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

100 copies to be printed.

On motion of Mr. Sherwood, seconded by Mr. Ferrie,

Ordered—That 100 copies of the bill for the protection of individuals who have arrested suspected persons, be printed for the use of members.

Bill to prevent unlawful raising brought in.

Pursuant to notice, Mr. Solicitor General, seconded by Mr. Malloch, moves for leave to bring in a bill to prevent the training of persons to the use of arms, and to the practice of military evolutions and exercise; and to authorise Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.

Which was granted, and the Bill was read the first time.

On second reading to-morrow.

On the question for the second reading of the Bill to-morrow,

Amendment moved.

In amendment, Mr. Richardson, seconded by Mr. Solicitor General, moves, that the bill to prevent persons from training be read a second time this day, and the 40th rule of this House be dispensed with for that purpose, as far as relates to the same.

Division,

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—11.

Messieurs *Attorney General, Cornwall, Dellor, Jarvis, Kearnes, Manahan, McCrae, McDonell* of Northumberland, *Morris, Richardson, Solicitor General*—11.

N A Y S.

Nays—18.

Messieurs *Armstrong, Bockus, Cartwright, Ferrie, Gowan, Lewis, Malloch, McDonell* of Stormont, *McIntosh, McLean, Merritt, Norton, Parke, Shade, Shaver, Sherwood, Thorburn, Woodruff*—18.

Amendment lost, majority 7.

The question of amendment was decided in the negative by a majority of seven, and the bill was ordered for a second reading to-morrow.

On motion of Mr. Norton, seconded by Mr. McLean,

100 copies of bill to be printed.

Ordered—That one hundred copies of the Bill just read be printed for the use of Members.

Speaker reports communication from Speaker of House of Assembly of Newfoundland.

Mr. Speaker reported having received sundry communications from the Hon. the Speaker of the House of Assembly of Newfoundland, which were read by the clerk, as follows:—

St. John's, Newfoundland, 22d Nov. 1837.

SIR,

Letter from Speaker of House of Assembly, Newfoundland.

Agreeable to the orders of the Commons House of Assembly, I take the liberty of transmitting to you a copy of Lord Glenelg's Despatch to His Excellency Governor Prescott as regards the appointment of the Serjeant at Arms and the Clerk by the House, and the Reply of the House to Governor Prescott.

I shall feel obliged by your favouring me, at your first convenient opportunity, with a statement of the orders of your House of Assembly on these appointments.

I have the honour to be,

With great esteem,

Your obedient humble Servant,

WILL. CARSON,

Speaker.

[COPY.]—No. 146.

Downing Street, 12th August, 1837.

SIR,

Copy of Despatch from Secretary of State to Governor of Newfoundland, accompanying Speaker's letter.

I have received your despatches, Nos. 30, 31, 32, and 34, dated on the 10th and 13th July, inclosing copies of the communications which have taken place between yourself and

the House of Assembly at Newfoundland on the subject of the right of that body to appoint the various officers in attendance on them.

I approve, without reserve or qualification, the whole of your proceedings on this occasion.

The subject under discussion would, in reality, be too insignificant to justify the prolongation of the debate, if it did not involve, first, a claim of strict right and justice advanced by the officers who have been dispossessed of their places, and secondly, a principle, which, if admitted in Newfoundland, could not but be applied in all the adjacent Provinces.

In no other view can the power of making these appointments be, to Her Majesty's Government or to you, an object of the slightest interest.

Anxious to avoid even the appearance of discussing this question in a controversial spirit, I pass over in silence some of the arguments which, in their Address of the 10th July, the Assembly have urged upon Her Majesty's Government. I admit at once that if, as is alleged, the established course of precedent in the British North American Provinces support the demand of the Assembly of Newfoundland, that demand should not be any further opposed. I am willing therefore to place the decision on the issue to which it has been referred by the Assembly.

You will communicate the state of this case to the Governors of Lower and Upper Canada,—of Nova Scotia, New Brunswick, and Prince Edward's Island,—desiring each of them to inform you whether, in the Province under his government, the Sergeant-at-Arms and Clerk of the Assembly hold, and have been accustomed to hold, their offices on the nomination of the House, or by an appointment from the head of the local Government. By the result of those enquiries your conduct will be determined.

The gentlemen in possession of these places in Newfoundland under the Royal authority must not, however, be precluded, by any decision which you may adopt, from asserting their right to discharge the duties and to receive the emoluments of the offices conferred upon them. You will not, therefore, revoke their appointments. If the law really recognises their title, there cannot be wanting legal methods by which it may be vindicated; and nothing must be done by the Executive Government which would have the effect of obstructing the resort, by those officers, to the remedies which the law affords them for protecting the vested interests to which they may lay claim.

You will use the whole of your legitimate influence to induce the House of Assembly to concur with you in reserving the pecuniary demands of the Sergeant-at-Arms and Clerk of the House until the practice of the British North American Colonies shall have been ascertained. I cannot permit myself to doubt that the House will cheerfully agree to abide by the result of an enquiry into the facts to which they have themselves referred as the foundation of their title. You will therefore not withhold your assent to any Bill of Supply, on the ground of its involving a decision of this claim, if, as I anticipate, the House shall assent to the proposal which I now instruct you to address to them.

I have, &c.

(Signed)

GLENELG.

PARLIAMENTARY PAPER.

Veneris, 7^o die Julii, 1837.

To His Excellency, HENRY PRESCOTT, C. B., Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies.

MAY IT PLEASE YOUR EXCELLENCY,—

Your Excellency having been pleased to send down a Message to this House to the effect, that, having observed, "in the Journal of yesterday's proceedings of the House of Assembly, that the House has resolved to proceed this day to the election of its officers," Your Excellency deems it advisable to transmit a copy of Instructions from His Majesty's Principal Secretary of State addressed to Your Excellency "on this subject, by which," Your Excellency is pleased to say, "the House will perceive that" Your Excellency "is directed to uphold His Majesty's nomination of the Clerk and Sergeant-at-Arms;" and that "as respects these officers therefore no discretion is left to the Governor, and he cannot in any way recognize in those capacities gentlemen appointed by any other than the Royal Authority." We have carefully considered the same and duly weighed the reply, dated August 18th, of the Right Hon. the Secretary of State for the Colonies to Your Excellency's Despatch of the 8th July, 1836, upon that subject, where the Right Honorable Lord Glenelg observes "that the only precedent which can be followed in such a contingency is that which is afforded by the practice of Parliament in parallel cases; and as the Sergeant-at-Arms, the Usher of the Black Rod, and Clerks of Parliament, are all officers appointed by the Crown, it will be Your Excellency's "duty to insist upon the right of making similar appointments in Newfoundland."

In coming to the conclusion of persisting in the exercise of the right of the House of Assembly to appoint its own officers, after the reception of Your Excellency's Message, we beg to assure Your Excellency that we have felt impressed with the most profound respect for Your Excellency, attachment to His Majesty's Government, and firm determination to maintain inviolably the King's just prerogative; but while we entertain these feelings of respect and attachment, and that spirit of determination, we feel that as an independent Branch of the

Copy of Address of
Assembly of New-
foundland accompany-
ing letter of Speaker.

Legislature, we should be wanting in our duty to the House of Assembly and to our constituencies if, having asserted a right—a clear and indisputable right—and having on Monday last voted, and with only one dissentient voice, and the gentleman so dissenting, being His Majesty's Solicitor General, that we should then proceed to the exercise of that right, we should the very next day turn upon our own Resolution—a Resolution adopted upon the most mature consideration, and recorded upon our Journals, that the House of Assembly were awed and intimidated and compelled to recede from a position to which they had been impelled by a conscientious desire to discharge their duty.

We are not a little surprised that the Right Honorable the Secretary of State for the Colonies of the present day should recommend to Your Excellency "to insist" that "the only precedent which can be followed in the appointment of the officers of the House of Assembly "is that which is afforded by the practice of Parliament in parallel cases."

On the 21st October, 1834, the Right Honorable Thomas Spring Rice, then Secretary of State for the Colonies, addressed to Your Excellency a Despatch on the subject of the pretensions of the Council to a legislative character, where he says, "The title of Legislative Council assumed by the Council of Newfoundland is a designation to which they have no legitimate claim. They are simply the Board of Council; and, except by His Majesty's sanction, the Governor cannot recognize them under any other appellation,"—thus proving that it was the opinion of that Right Hon. Secretary that there was no Parliamentary analogy between the legislative institutions of this and the Parent Countries.

We find the Right Honourable Lord GODERICH, on the 27th July, 1832, in a Despatch accompanying the Royal Instructions, and which, together with these instructions, was printed by order of the House of Commons, on the 7th August in the same year, saying that "the Council does not assume in the Colony a position or an influence analogous to that of the House of Peers," thereby exhibiting his sense of the absence of any Parliamentary analogy, while in the same despatch he clearly lays it down, that in instituting a Legislature in Newfoundland the intention was never entertained of laying the foundation of Estates analogous to those which constitute the Imperial Parliament, but simply tribunals having correlative jurisdiction and correspondent forms with the British Transatlantic Colonies. "It may seem, however, superfluous," says His Lordship, "to accumulate reasons in proof of the propriety of establishing in Newfoundland that form of Constitution which generally prevails throughout the British Transatlantic Colonies; the difficulty would consist rather in finding valid arguments for withholding it. The reasonable presumption seems to be, that a system of Colonial Government which has been attended with so many advantages in British North America, would produce similar benefits at Newfoundland, if transferred to that settlement," and he points particularly to Nova Scotia and New Brunswick as Colonies whose system "in all the Colonies to which it has been extended has invariably secured the attachment of the people."

But not only have almost all the other Secretaries for the Colonies, from the very birth of this country's Constitution, thus plainly taught us to look for our Forms and the character of that Constitution to the Sister Colonies and not to the British Parliament, but even have we had the strongest, and almost a violent reproof upon the subject from the Right Honourable Lord GLENELG, His Majesty's present Secretary of State.

On the occasion of the opening of the last Session of the Legislature, Your Excellency was pleased in your Speech to intimate His Majesty's refusal to confirm the Quadrennial Act, for no other reason than merely because the Legislature, in its enactment, had assumed to themselves the bare designation of a "Parliament;" and in His Lordship's Despatch, dated 12th April, 1835, he informs Your Excellency that he is "not disposed to deviate without sufficient reason from forms which are sanctioned by an invariable usage, reaching back to nearly two centuries in the older British Colonies."

Here His Lordship regards the bare assumption of THE NAME of "Parliament," as evincing a "wish to claim for the Council and Assembly of Newfoundland powers analogous to those of the Houses of Peers and Commons of the United Kingdom," and yet would it appear by the Despatch which forms the subject of Your Excellency's Message, that His Lordship would now fain induce the Commons of Newfoundland to adopt the observances of the Commons of the United Kingdom on the subject of the appointment of the most important Officers of the House of Assembly.

In this variance of authorities, and particularly where the weight of even these dissonant authorities tends to direct the attention of the House to the Sister Colonies of British North America, we consider that it is the precedents afforded by the proceedings of the Representatives of the People in the Houses of Assembly in those other Colonies which ought to be adopted as the fixed, the steady, and unalterable guides of the House of Assembly of Newfoundland; and in this spirit it was, that, in coming to a conclusion upon the subject, we examined and duly weighed and considered the usages of other similar legislative bodies,—and comparing these even with the practice of the British House of Commons, we found that, while the former proved to us that the right of the appointment of all the officers of the House of Assembly was inherent in that body, the best parliamentary authority proves to us that the exercise of that right is not repugnant to the practice of the House of Commons.

In the Appendix to the Journals of the First Session of the Parliament of Upper Canada, (1831,) page 208, is the Report of the Committee appointed, and to which appointment the Honourable Henry John Boulton, then Attorney-General of that Province and Member of the House of Assembly, was an assenting party, for the purpose of examining whether the Representative branch of that Legislature "has the right to appoint its own officers, with power to send

for persons and papers, and to report thereon ;” and in this Report the Committee declare that they are of opinion that the House has an original and inherent right to appoint and control its own officers, whenever it may be thought expedient to exercise it, which no usage or practice heretofore admitted has or can take away. A contrary doctrine is highly dangerous to the privileges of this House ;” and they go on to say—“ Your Committee are well aware that the officers of the British House of Commons are appointed by the Crown ; but the principal officers of that House hold their offices for life. In this Province, however, the case is different—all the officers of this House hold their offices under a precarious tenure, viz. during pleasure.”

Copy of Address of Assembly of Newfoundland accompanying letter of Speaker.

In the Province of Nova Scotia this right is exercised by the House of Assembly, nor is it any longer disputed in Prince Edward Island ; and in New Brunswick it would also seem that it is the practice of the House of Assembly to appoint its officers ;—and, under such circumstances of precedent crowding on precedent to induce this House to consider itself entitled to similar rights, have we been influenced in their assertion and exercise.

In looking upon the Journals of the House of Assembly of Newfoundland, we find that, from the very first day on which the first House of Assembly took their seats in this country, the right of the Crown to the privilege of the appointment has been at all times controverted.

Judging, then, by the opinions so solemnly expressed by Viscount GODERICH, by Mr. RICE, and by Lord GLENELG,—in fact, judging from a late Despatch of His Lordship to a neighbouring Colony where His Lordship very properly advises the Executive, if the House of Assembly should persevere in their appointment, not to disturb them or come unnecessarily into collision with that Body—judging from all these opinions concurrently, we have come to the mature conclusion that, in our Acts and Proceedings we had to regard the Acts and Proceedings of other Colonial Assemblies and not the British Parliament. In examining into the practice of other Colonial Assemblies, we find the right asserted and exercised of appointing the Officers—consulting our own Journals we find only one precedent, and that is, that it is the right of the House to appoint them, and we find that precedent reiterated Session after Session, with this host of Authorities before us, we on Monday, after a solemn deliberation of several hours, resolved to assume its exercise, and having so resolved after a deliberation and examination continued through the lapse of a period of nearly five years, we have felt ourselves compelled to persevere, and we trust that Your Excellency’s wisdom will induce you to feel that we had no alternative but a discreditable one, to abandon the just, the well defined and clearly established privileges of the House of Assembly—and therefore we beg most respectfully to assure Your Excellency that, impressed with a deep sense of the importance to the public interests of the existence of harmonious relations between the several Branches of the Legislature, we have not, in the most distant way, been actuated by a wish to create an unpleasant feeling between the Executive and the popular Branch of the Legislature, but as the Representatives of the People we felt it our duty to proceed upon this subject in a manner consonant with the wishes of our constituencies.

Mr. Richardson, seconded by Mr. Shaver, moves, that the Clerk of this House be instructed to procure from the publisher sixty-five copies of the Revised Statutes of this Province—and that he do also procure the like number of Acts passed between 1832 and the last Session, (inclusive) to be bound for the like purposes.

Motion to procure 65 copies of Revised Statutes, and of Acts passed between 1832 and last Session.

On which the Yeas and Nays were taken, as follows :—

Division.

Y E A S.

Messieurs Caldwell, Gowan, Kearnes, Manahan, McDonell, of Stormont, Richardson, Shaver—7.

Yeas—7.

N A Y S.

Messieurs Armstrong, Attorney-General, Cartwright, Cornwall, Deilor, Ferrie, Jarvis, Lewis, Malloch, McCrae, McDonell of Northumberland, McIntosh, McKay, Murney, Morris, Norton, Parke, Shade, Sherwood, Solicitor-General, Thomson, Tharburn, Woodruff—23.

Nays—23.

The question was decided in the negative by a majority of sixteen.

Lost, majority 16.

Pursuant to notice, Mr. Sherwood, seconded by Mr. Cornwall, moves that it be *Resolved*, That an humble Address be presented to His Excellency, requesting His Excellency to inform this House whether any communications have been received from the Colonial Secretary upon the subject of the bills passed the two Branches of the Legislature during its first Session and reserved for His Majesty’s Assent ; and if so, that His Excellency will transmit copies of the same for the information of this House ; and that Messrs. Ferrie and Caldwell be a committee to draft and report the same.

Address on reserved bills ordered.

Which was carried.

Boundary Commissioners bill read second time and committed.

Pursuant to the order of the day, the Boundary Commissioners bill was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Alexander McDonell in the Chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again to-morrow.

The report was received, and leave granted accordingly.

On motion of Mr. Gowan, seconded by Mr. McKay,

Bill referred to select committee.

Ordered—That the bill authorising the appointment of Boundary Line Commissioners be referred to a select committee, consisting of Messrs. Bockus, Morris, and Solicitor General, with liberty to report.

Motion for committee on free grants to Militia, and Militia and Yeomanry corps of Great Britain.

Pursuant to notice, Mr. Gowan, seconded by Mr. Morris, moves, that the House do now resolve itself into a committee of the whole, for the purpose of addressing Her Majesty the Queen upon the subject of making free grants of land to certain of the Militia of this Province, and also to certain of the Militia and Yeomanry Corps of Great Britain and Ireland.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—2.

Messieurs *Gowan, Malloch*—2.

N A Y S.

Nays—28.

Messieurs *Armstrong, Attorney General, Bockus, Boulton, Caldwell, Cartwright, Cornwall, Dellar, Ferrie, Kearnes, Lewis, Manahan, McCrae, McDonell of Northumberland, McDonell of Stormont, McIntosh, McKay, McLean, Murney, Parke, Richardson, Shade, Shaver, Sherwood, Solicitor General, Thomson, Thorburn, Woodruff*—28.

Lost, majority 26.

The question was decided in the negative by a majority of twenty-six.

Bill to alter law respecting sale of spirituous liquors without license, brought in.

Pursuant to notice, Mr. Manahan, seconded by Mr. Murney, moves for leave to bring in a bill to alter and amend the Law at present authorising the levying of fines upon offenders selling liquors without license, giving facilities for the recovery of the same—and altering, in part, the appropriation of the Revenue arising from such licences.

Which was granted, and the Bill was read the first time.

2nd reading, to-morrow.

Ordered—That the Bill be read a second time to-morrow.

Order for Banks to make their returns.

Pursuant to notice, Mr. Solicitor-General, seconded by Mr. Murney, moves that it be *Resolved*, That the Bank of Upper Canada, the Commercial Bank of the Midland District, and the Gore District Bank be called upon to make the returns required, by their respective Acts of Incorporation, to be laid before this House; and also a copy of the return made by the Commercial Bank to the Lieutenant-Governor in Council.

Which was carried.

Bill to amend Act for relief of A. Deacon, brought in.

Mr. Bockus, seconded by Mr. Armstrong, moves for leave to bring in a Bill to amend an Act entitled "*An Act for the Relief of Andrew Deacon.*"

Which was granted, and the Bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

Bill to alter Ejectment Law brought in.

Pursuant to notice, Mr. Bockus, seconded by Mr. Armstrong, moves for leave to bring in a Bill to amend the Law of Ejectment in certain cases.

Which was granted, and the Bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

On motion of Mr. Bockus, seconded by Mr. Thorburn,

100 copies of bill to be printed.

Ordered—That one hundred copies of the Bill to amend the Law of Ejectment in certain cases be printed for the use of Members.

Pursuant to the order of the day, Maddock's Relief Bill was read the second time.

Maddock's relief bill read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Thorburn in the Chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again to-morrow.

Progress reported.

The Report was received, and leave granted accordingly.

Pursuant to the order of the day, the Registry Bill was read the second time.

Registry bill read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Woodruff in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The Report was received.

Ordered—That the Bill be engrossed, and read a third time to-morrow.

3rd reading to-morrow.

Pursuant to notice, Mr. Manahan, seconded by Mr. Shaver, moves for leave to bring in an humble Address to His Excellency, praying him to transmit to this House copies of any correspondence relating to the Seat of Government in this Province.

Address for correspondence on Seat of Government, brought in.

Which was granted.

Pursuant to notice, Mr. Jarvis, seconded by Mr. Bockus, moves for leave to bring in a bill to amend the laws now in force relative to the practice of the several District Courts in this Province.

District Court practice amendment bill brought in.

Which was granted, and the Bill was read the first time.

Ordered—That the Bill be read a second time to-morrow.

2nd reading to-morrow.

On motion of Mr. Jarvis, seconded by Mr. Bockus,

Ordered—That 100 copies of the bill to regulate the practice of the District Courts be printed for the use of members.

100 copies of bill to be printed.

Pursuant to notice, Mr. Jarvis, seconded by Mr. Bockus, moves for leave to bring in a bill to amend the law with respect to the liability of Executors and Administrators of Joint Contractors, and of Defendants on Joint Judgments.

Bill to amend law on liability of executors brought in.

Which was granted, and the bill was read the first time.

Ordered—That the bill be read a second time to-morrow.

2nd reading to-morrow.

Pursuant to notice, Mr. Cartwright, seconded by Mr. Sherwood, moves that he have leave to bring in a bill to regulate the future erection of Gaols in this Province.

Bill to regulate erection of Gaols brought in.

Which was granted, and the Bill was read the first time.

Ordered—That the bill be read a second time to-morrow.

2nd reading to-morrow.

Pursuant to notice, Mr. Cartwright, seconded by Mr. Sherwood, moves that he have leave to bring in a bill to postpone the sale of land in arrear for taxes.

Bill to postpone sale of land for taxes brought in.

Which was granted, and the Bill was read the first time.

Ordered—That the Bill be read a second time to-morrow.

2nd reading to-morrow.

Pursuant to the order of the day, the Huron District Bill was read the second time.

Huron District bill read second time and committed.

The House was put into committee of the whole on the bill.

Mr. Murney in the Chair.

The House resumed.

The Chairman reported that the Committee had gone through the

Reported amended.

provisions of the bill, amended the same, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Bill for trial of Treason read second time and committed.

Pursuant to the order of the day, the bill for the more impartial trial of Treason was read the second time.

The House was put into committee of the whole on the bill.

Mr. Bockus in the chair.

The House resumed.

Reported amended.

The chairman reported that the committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

The report was received.

3rd reading Monday

Ordered—That the bill be engrossed and read a third time on Monday next.

Adjourned.

Thursday, 4th January, 1838.

The House met.

PRESENT—Messieurs *Bockus, Boulton, Cartwright, Cornwall, Detlor, Ferrie, Lewis, Malloch, Manahan, Marks, McDonell* of Northumberland, *McDonell* of Stormont, *McKay, Murney, Morris, Norton, Parke, Shaver*, and *Solicitor General*—19.

No quorum.

At ten o'clock, A. M., the Speaker took the chair, and adjourned the House for want of a quorum.

Friday, 5th January, 1838.

The House met.

The minutes of Wednesday and yesterday were read.

Petitions brought up.

The following petitions were severally brought up and laid on the table:—

A. Story and other:

By Mr. Sherwood, the petition of Alexander Story and forty three others, of the township of Oxford, District of Johnstown.

G. W. Baker and others.

And by Mr. McKay, the petition of G. W. Baker and eleven hundred and seventy-five others, of the townships of Nepean, Goulburn, March, Huntley, Torbolton, Fitzroy, Pakenham, MacNab, Horton, Ross, Westmeath, and Pembroke, in the District of Bathurst, and Gloucester and Osgoode, in the District of Ottawa.

Motion for House to adjourn at 2 o'clock each day for an hour.

Mr. Detlor, seconded by Mr. Cornwall, moves, that during the remainder of this Session this House shall adjourn at the hour of two o'clock, P. M., for one hour each day.

Division.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—16.

Messieurs *Armstrong, Caldwell, Cartwright, Cornwall, Detlor, Dunlop, Ferrie, Gowan, Kearnes, McCrae, McIntosh, McKay, Norton, Parke, Shade, Sherwood*—16.

N A Y S.

Nays—13.

Messieurs *Bockus, Boulton, Jarvis, Lewis, Malloch, Manahan, McDonell* of Northumberland, *McDonell* of Stormont, *McLean, Shaver, Solicitor General, Thorburn, Woodruff*—13.

Carried, majority 3.

The question was carried in the affirmative by a majority of three, and ordered accordingly.

Mr. Detlor, seconded by Mr. Cartwright, moves, that during the present Session, when this House shall adjourn for want of a quorum, the Speaker may name the hour that it shall meet again on the same day.

Motion that when House adjourns for want of quorum, Speaker name hour of meeting same day.

On which the Yeas and Nays were taken, as follows:—

Division,

YEAS.

Messieurs Armstrong, Caldwell, Cartwright, Cornwall, Detlor, Dunlop, Ferrie, Jarvis, Kearnes, McCrae, McLean, Shade—12.

Yeas—12.

NAYS.

Messieurs Bockus, Boulton, Elliott, Gowan, Lewis, Malloch, Manahan, McDonell of Northumberland, McDonell of Stormont, McIntosh, McKay, Norton, Parke, Shaver, Sherwood, Solicitor General, Thorburn, Woodruff—18.

Nays—18.

The question was decided in the negative by a majority of six.

Lost, majority 6.

Mr. Cartwright presented to the House certain Returns from the Commercial Bank of the Midland District, in conformity with the order of Wednesday last, which are as follows:—

Returns made for Commercial Bank.

Statement of the Affairs of the Commercial Bank, Midland District, on Monday, the 11th September, 1837.

Stock paid in,.....£	198,332	10	0	Gold, Silver, and Copper, in the vaults of the Bank and its offices,.....£	13,004	3	10
Bank Notes in circulation, not bearing interest, of \$2 and upwards,..... £65,380 0 0				Real Estate and Office Furniture,.....	3,730	0	0
Of \$1,..... 13,046 0 0				Bills of other Banks,.....	11,721	5	0
	78,427	0	0	Balances due from other Banks and Foreign Agents,.....	21,379	6	1
Bills and Notes in circulation, bearing interest,.....	none.			Amount of all debts due, including Notes, Bills of Exchange, and all other Stock and Funded Debts of every description, excepting the balances due from other Banks,	332,420	11	8
Balances due to other Banks and Foreign Agents,.....	19,354	12	11				
Cash deposited, including all sums whatever due from the Bank, not bearing interest, its Bills in circulation and balances due to other Banks excepted,.....	78,171	3	3				
Cash deposited bearing Interest,	7,970	0	5				
	£ 382,255	6	7		£ 382,255	6	7

Statement of affairs of Commercial Bank, 11th Sept., 1837.

I hereby make oath and swear that the foregoing statements are correct to the best of my knowledge and belief, and that they are true copies of those sent to His Excellency the Lieut. Governor and Council at his request.

F. A. HARPER,
Cashier.

Amount of debts due to the Bank and not paid,..... £32,221 3 2.

(Signed)

J. S. CARTWRIGHT,
President.

Com. Bank, M. D. }
Kingston, 11th Sept., 1837. }

F. A. HARPER,
Cashier.

Sworn before me at Kingston this 1st day of }
January, 1838. }

GEORGE BAKER, J. P.

Statement of the Affairs of the Commercial Bank, Midland District, on Monday the 1st January, 1838.

Statement of affairs of Commercial Bank, 1st Jan'y, 1838.

Stock paid in,..... £	199,570	0	0	Gold, Silver, and Copper in the vaults of the Bank and its offices and Agencies,.... £	28,459	5	7
Bank Notes in circulation not bearing Interest of the value of \$2 & upwards, £162,368	10			Real Estate and Bank Furniture	3,794	3	11
Ditto of \$1,....	9,501	5		Bills of other Banks,.....	4,692	10	0
	171,869	15	0	Balances due from other Banks and Foreign Agents,.....	27,310	3	11
Bills and Notes in circulation bearing Interest,.....	none.			Amount of all debts due, including Notes, Bills of Exchange, and all stock and funded debts of every description, excepting the balances due from other Banks, ..	361,998	5	11
Balances due to other Banks and Foreign Agents,	2,700	3	2				
Cash deposited, including all sums whatever due from the Bank not bearing Interest—its Bills in circulation, and balances due to other Banks, excepted	42,433	9	3				
Cash deposited bearing Interest,	9,681	1	11				
	£ 426,254	9	4		£ 426,254	9	4

We, the undersigned, make oath and swear, that the foregoing statements are correct to the best of our knowledge and belief.

JOHN S. CARTWRIGHT,
President.

F. A. HARPER, *Cashier.*

Sworn before me at Kingston this first day of January, 1838.

GEORGE BAKER, *J. P.*

Sworn before me at Toronto, by John S. Cartwright, this fifth day of January, 1838.

JAMES FITZGIBBON,
J. P., Home District.

Rate and amount of last dividend for six months, ending 30th November, 1837, at 3 per cent, on stock paid in, £5,910 7 6

Amount of reserved profits after deducting the last dividend.. 7,407 17 7

Amount of debts due the Bank and in the hands of the Bank Solicitors, £35,119 4 4 of which £1,350 may be considered doubtful.

F. A. HARPER,
Cashier.

Com. Bank, M. D.
Kingston, 1st Jan'y, 1838.

Registry Bill read third time.

Pursuant to the order of the day, the Registry Bill was read the third time.

Amendment moved.

On the question for passing the Bill,

In amendment, Mr. Cartwright, seconded by Mr. McLean, moves that the Registry Bill do not now pass, but that it be amended by adding the following clause:

“*And be it, &c.,* That nothing in this Act contained shall be construed to make void the appointment of any person who, previous to the passing of this Act, may hold the situation of Registrar for more than one County, and who shall have an office in each County for which he is Registrar.”

Division.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—6.

Messieurs *Cartwright, Dellar, Gowan, Jarvis, Kearnes, McLean*—6.

N A Y S.

Nays—17.

Messieurs *Bockus, Boulton, Duncombe* of Norfolk, *Ferrie, Lewis, Malloch, McCrae, McDonell* of Northumberland, *McDonell* of Stormont, *McKay, Norton, Parke, Shade, Shaver, Sherwood, Thorburn, Woodruff*—17.

Amendment lost, majority 11.

The question of amendment was decided in the negative by a majority of eleven.

In amendment, Mr. Sherwood, seconded by Mr. Boulton, moves that the Bill do not now pass, but that it be amended by striking out the provisoes in the 6th clause, and inserting the following:—"Provided always, That nothing in this Act contained shall invalidate, or be construed to invalidate, any titles made before the passing of this Act"—and also by striking out the 25th clause.

Another amendment moved.

Which was carried.

Carried.

Pursuant to the order of the day, the Huron District Bill was read the third time.

Huron District Bill read third time.

Captain Dunlop, seconded by Mr. Sherwood, moves that the Bill do not now pass, but that it be amended by filling up the blanks in the 19th and 20th clauses with the words "one penny."

Amendment.

Which was carried; and the Bill, as amended, was passed.

Bill passed.

Captain Dunlop, seconded by Mr. Gowan, moves that the Bill be entitled "*An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District.*"

Title.

Which was carried; and Messrs. Dunlop and Gowan were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Petition of T. Butler and one hundred and sixty-one others of the counties of Lincoln and Haldimand, praying for a grant of £12,500 to turnpike a road from Niagara Falls to Simcoe, in the District of London—was read.

Petition of J. Butler and 161 others read.

On motion of Captain Dunlop, seconded by Mr. McCrae,

Ordered—That the petition of Charles Fothergill be referred to a select committee, consisting of Messrs. Marks and Gowan, with power to report by bill or otherwise.

Petition of C. Fothergill referred.

Mr. Sherwood gives notice that he will, on to-morrow, move for leave to bring in a bill to prevent apothecaries and others selling or disposing of white arsenic within this Province, only under certain conditions, restrictions, and regulations.

NOTICES:
Of Bill to prevent the sale of white Arsenic.

Mr. Boulton gives notice that he will, to-morrow, move for leave to bring in a Bill to provide for the payment of wages to members of this House.

Of Members' wages Bill.

Captain Dunlop gives notice that he will, on to-morrow, move that the House resolve itself into a committee of the whole upon the subject of salt duties.

Of Committee of whole on Salt Duties.

On motion of Mr. Bockus, seconded by Mr. Jarvis,

Ordered—That a select committee be appointed to examine the contingent expenses of the Legislature, with power to report thereon by Address or otherwise; and that Messrs. Thorburn, Malloch, Thomson, and Boulton, do compose said committee.

Select Committee appointed on Contingencies.

Pursuant to notice, Mr. Sherwood, seconded by Mr. Ferrie, moves for leave to bring in a Bill to facilitate the proceedings of Joint Stock Banking Companies, and to protect the interests of the public.

Bill to facilitate proceedings of Joint Stock Banks brought in.

Which was granted, and the Bill was read the first time.

Ordered—That the Bill be read a second time to-morrow.

2nd reading to-morrow.

Pursuant to notice, Mr. Gowan, seconded by Mr. Elliott, moves, that the House do now resolve itself into a committee of supply for the purpose of granting a sum of money, for the support of Common Schools in this Province for the year 1837.

House in committee of supply on support of common schools for 1837.

Which was carried; and the House was put into a Committee of the whole.

Mr. McLean in the chair.

The House resumed.

Resolution reported.

The Chairman reported that the Committee had agreed to a Resolution which he was directed to submit for the adoption of the House.

The Report was received.

The Resolution was adopted, as follows :

Resolution.

Resolved—That there be granted to Her Majesty the sum of £5,650 for the support of Common Schools for the year 1837, to be distributed among the several Districts in the Province, in the same manner as the said sum of £5,650 was distributed in the year 1836.

On motion of Mr. Gowan, seconded by Mr. Elliott,

Committee to draft bill on resolution.

Ordered—That Messrs. Morris and Dunlop be a Committee to draft and report a Bill, pursuant to the Resolution of this House, granting to Her Majesty a sum of money for the support of Common Schools.

Bill to amend Johnstown District macadamized road Act brought in.

Pursuant to notice, Mr. Gowan, seconded by Mr. Elliott, moves for leave to introduce a Bill to alter and amend the Johnstown District Macadamization Road Act.

Which was granted, and the Bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

Address for information respecting Address on Chelsea Pensioners, ordered.

Pursuant to notice, Mr. Boulton, seconded by Mr. Cartwright, moves that an humble Address be presented to His Excellency the Lieutenant-Governor, requesting that His Excellency will be pleased to inform this House whether he has received any communication from Her Majesty's Government on the subject of the Joint Address of the two Houses of the Legislature respecting certain Chelsea Pensioners who had commuted their pensions and settled in this Province.

Which was carried ; and the Address was read twice, and ordered to be engrossed and read a third time this day.

Address read twice.

3rd reading to-day.

Registry bill read third time.

Pursuant to the order of the day, the Registry Bill, as amended, was read the third time.

On the question for passing the Bill,

Amendment moved.

In amendment, Mr. Cartwright, seconded by Mr. Detlor, moves that the Bill do not now pass, but that it be amended by adding the following clause after the eleventh :—

“ And be it further enacted, by the authority aforesaid, That it shall be the duty of the Registrar of the Court of Probate, or of any Surrogate Court, within one month after granting probate, to make out extracts of all wills containing any disposition of lands, tenements, or hereditaments in any county in this Province, (which may be in the form hereunto annexed,) which said extracts shall be executed by the official principal of the said Court of Probate or Judge of the Surrogate Court, under his hand and seal of office ; and the said Registrar shall forward the said extract so extracted to the several registrars of the counties, whose duty it shall be to register the same on payment of the legal fees which the said Registrar of the Court of Probate or Surrogate shall remit to such County Registrar, and demand the same, together with his own fees, from the executor or administrator, with will annexed, at the time of granting probate ; which executor or administrator, at the time of proving such will, shall deliver to the said Registrar of the said Court of Probate or Surrogate a schedule of lands, tenements, and hereditaments of such testator, under oath, according to the best of his knowledge, and which registry shall be effectual to all intents and purposes whatever, anything in this Act contained to the contrary notwithstanding.

“ FORM OF EXTRACT OF WILL.

To the Register of the County of _____ These are to certify that Probate or administration has been granted of the Will of A. B. late of _____ deceased, which said Will bears date the _____ day of _____ 18 _____, and is witnessed by C. D. of _____ of _____ in which are devised certain lands in the County of _____ E. F. _____ in the

District of _____ in these words.—[Here insert the claim of all lands, tenements, and hereditaments in the said County either generally or specially.]—You are therefore required to register this extract thereof pursuant to law.

As witness my hand and seal of office, this _____ day of _____ 18

“ O. P., Judge. L. S.”

On which the Yeas and Nays were taken, as follows :—

Division.

Y E A S.

Messieurs Bockus, Cartwright, Deltor, Gowan, Jarvis, Manahan, McCrae—7.

Nays—7.

N A Y S.

Messieurs Armstrong, Boulton, Caldwell, Cornwall, Duncombe, of Norfolk, Elliott, Ferrie, Kearnes, Lewis, Malloch, McDonell, of Northumberland, McDonell, of Stormont, McIntosh, McKay, McLean, Norton, Parke, Shade, Shaver, Sherwood, Solicitor-General, Thorburn, Woodruff—23.

Yeas—23.

The question of amendment was decided in the negative by a majority of sixteen. Amendment lost, majority 16.

On the question for passing the bill, the yeas and nays were taken as follows : On passing bill,

Y E A S.

Messieurs Armstrong, Bockus, Boulton, Caldwell, Cornwall, Deltor, Duncombe of Norfolk, Elliott, Ferrie, Jarvis, Kearnes, Lewis, Malloch, McCrae, McDonell of Northumberland, McIntosh, McKay, McLean, Norton, Parke, Shade, Shaver, Sherwood, Solicitor-General, Thorburn, Woodruff—26.

Yeas—26.

N A Y S.

Messieurs Gowan, Manahan, McDonell of Stormont—3.

Nays—3.

The question was carried in the affirmative by a majority of twenty-three, and the Bill was passed. Bill passed, majority 23.

Mr. Sherwood, seconded by Mr. Bockus, moves that the Bill be entitled, Title.
 “ An Act to repeal and amend the Registry Laws of this Province, and for other purposes therein mentioned.”

Which was carried, and Messrs. Sherwood and Bockus were ordered by the Speaker to carry the Bill up to the Honorable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor, requesting information respecting the Address on Chelsea Pensioners, was read the third time and passed, and is as follows : Address for information respecting Address on Chelsea Pensioners read third time and passed.

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

MAY IT PLEASE YOUR EXCELLENCY :

Address.

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to inform this House whether any communication has been received by Your Excellency from Her Majesty's Government on the subject of the joint Address of the two Houses of the Legislature, respecting certain Chelsea Pensioners who had commuted their pensions and settled in this Province.

H. RUTTAN,
Speaker.

Commons House of Assembly, }
5th January, 1838. }

Pursuant to notice, Mr. Boulton, seconded by Mr. McLean, moves for leave to bring in a Bill to restrain private banking in this Province. Bill to restrain private Banking brought in.

Which was granted, and the Bill was read the first time.

Ordered—That the Bill be read a second time to-morrow.

Sad reading to-morrow.

Committee to wait on His Excellency with Address respecting Address on Chelsea Pensioners.

On motion of Mr. Boulton, seconded by Mr. Cartwright,

Ordered—That Messrs. McLean and McDonell, of Northumberland, be a committee to wait on His Excellency, the Lieutenant Governor, to know when he will be pleased to receive the Address of this House on the subject of certain Chelsea Pensioners who commuted their pensions and settled in this Province, and to present the same.

Bill to indemnify persons for apprehending those suspected of Treason read second time and committed.

Pursuant to the order of the day, the Bill for indemnifying persons for apprehending those suspected of High Treason was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Thomson in the Chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again to-morrow.

The report was received, and leave granted accordingly.

Bill to prevent training read second time and committed.

Pursuant to the order of the day, the bill to prevent persons from training was read the second time.

The House was put into committee of the whole on the Bill.

Mr. Manahan in the chair.

The House resumed.

Progress reported.

The chairman reported that the committee had made some progress in the bill, and asked leave to sit again to-morrow.

The report was received, and leave granted accordingly.

Spirituous liquors license amendment bill read second time and committed.

Pursuant to the order of the day, the Bill to amend the law authorising the levying of fines for selling spirituous liquors without license was read the second time.

The House was put into committee of the whole on the Bill.

Mr. Thorburn in the chair.

The House resumed.

Progress reported.

The chairman reported that the committee had made some progress in the bill, and asked leave to sit again to-morrow.

The report was received, and leave granted accordingly.

On motion of Mr. Manahan, seconded by Mr. Bockus,

Ordered—That 100 copies of the bill be printed for the use of members.

100 copies of bill to be printed.

Pursuant to the order of the day, the bill to amend the Act for the relief of Andrew Deacon was read the second time.

The House was put into committee of the whole on the Bill.

Mr. Woodruff in the chair.

At 2 o'clock, P. M., the Speaker took the chair and adjourned the House for one hour.

The House met again, pursuant to adjournment.

The committee of the whole on the bill to amend Deacon's relief Act resumed.

Mr. Woodruff in the chair.

The House resumed.

Reported without amendment.

The chairman reported that the committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

The report was received.

On the question for the third reading of the bill to-morrow.

On 3rd reading to-morrow. Amendment moved.

In amendment, Mr. Sherwood, seconded by Mr. Boulton, moves, that the Bill be not read a third time to-morrow, but that it be read a third time this day six months.

Division.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Messieurs *Boulton, Caldwell, Dellar, Dunlop, Ferrie, Gowan, Jarvis, Kearnes, McDonell of Northumberland, McDonell of Stormont, McLean, Sherwood, Solicitor General, Thomson*—14. Yeas—14.

N A Y S.

Messieurs *Armstrong, Bockus, Lewis, Malloch, Manahan, McIntosh, McKay, Parke, Shade, Shaver, Thorburn, Woodruff*—12. Nays—12.

The question of amendment was carried in the affirmative by a majority of two, and ordered accordingly. Amendment carried, majority 2.

Pursuant to the order of the day, the Bill to amend the Law of Ejectment was read the second time. Bill to amend Ejectment law read second time and committed.

The House was put into a Committee of the whole on the Bill. Progress reported.

Mr. McDonald (of Stormont) in the Chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again to-morrow.

The Report was 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 for Relief of J. F. Maddock. Maddock's relief bill again committed.

Mr. Thorburn in the Chair.

The House resumed,

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The Report was received.

On the question for the third reading of the Bill to-morrow, the Yeas and Nays were taken, as follows:— On 3rd reading to-morrow.

Y E A S.

Messieurs *Dunlop, Gowan, Kearnes, Lewis, Manahan, McDonell of Stormont, McIntosh, McKay, Parke, Shade, Shaver, Thomson, Thorburn*—13. Nays—13.

N A Y S.

Messieurs *Armstrong, Boulton, Caldwell, Cartwright, Dellar, Ferrie, Jarvis, Malloch, McDonell of Northumberland, McLean, Sherwood, Solicitor General*—12. Yeas—12.

The question was carried in the affirmative by a majority of one; and the Bill was ordered to be engrossed and read a third time to-morrow. Carried, majority 1.

Adjourned.

Saturday, 6th January, 1838.

The House met.

The minutes of yesterday were read.

The following Petitions were severally brought up, and laid on the table:— Petitions brought up.

By Mr. Gowan, the Petition of Anthony Manahan, of the town of Kingston. A. Manahan:

By Mr. Bockus, the Petition of Owen Richards, the lighthouse-keeper at Point Peter, District of Prince Edward. O. Richards.

And by Mr. Boulton, the Petition of George Manners and seventeen others, of the District of Newcastle. G. Manners and others.

Pursuant to the order of the day, the Bill for Relief of J. F. Maddock was read the third time. Maddock's relief bill read third time.

On the question for passing the Bill, On passing.

Amendment moved.

In amendment, Mr. Sherwood, seconded by Mr. Cartwright, moves that the Bill do not now pass, but that it pass this day three months.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—14.

Messieurs *Armstrong, Boulton, Caldwell, Cartwright, Cornwall, Deltor, Ferrie, Jarvis, Lewis, Malloch, McDonell* of Northumberland, *McLean, Sherwood, Solicitor-General*—14.

N A Y S.

Nays—14.

Messieurs *Bockus, Dunlop, Elliott, Gowan, Kearnes, Manahan, McDonell* of Stormont, *McIntosh, Parke, Shade, Shaver, Thomson, Thorburn, Woodruff*—14.

Amendment carried by casting vote of Speaker.

The question of amendment was carried in the affirmative by the casting vote of the Speaker, and ordered accordingly.

NOTICES.

Of motion to read Journals on censures upon Hon. and Ven. Bishop of Regiopolis and others.

Mr. McLean gives notice that he will, on Monday next, move that so much of the Journals of this House as relates to certain censures recorded therein upon the Honourable and Reverend the Bishop of Regiopolis, and the Honourable and Reverend the Archdeacon of Toronto, and the Honourable the Chief Justice, reflecting upon those Honourable Gentlemen in undue and indecorous language for exercising their functions in the stations to which they were called by their King,—with a view to expunge the same.

Of Brockville Loan and Trust Company bill.

Mr. Sherwood gives notice that he will, on Monday, move for leave to bring in a Bill to establish a Loan and Trust Company at Brockville, in the District of Johnstown.

Of bill to determine authority of Heir and Devisee Commissioners.

Mr. Solicitor-General gives notice that he will, on Monday next, move for leave to bring in a bill to determine the authority of certain Commissioners, commonly called the Heir and Devisee Commissioners—and to vest such authority in the Court of Chancery.

Select committee on petition of E. C. Taylor and others, report Huron Fishery Company bill.

Captain Dunlop, from the select committee to which was referred the petition of E. C. Taylor and others, informed the House that the committee had agreed to report by Bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Bill read first time.

The report was received, and the Bill was read the first time.

2nd reading Monday.

Ordered—That the Bill to incorporate the Huron Fishery Company be read a second time on Monday next.

Select committee appointed on that part of His Excellency's Speech which relates to losses by the rebellion.

On motion of Mr. Jarvis, seconded by Mr. Kearnes,
Ordered—That that part of His Excellency the Lieutenant Governor's Speech from the Throne at the opening of this Session which relates to indemnity to the inhabitants of this Province who have sustained losses from the outrageous acts of insurgents, and to providing pensions for those who may have been disabled by wounds received in defence of their laws, be referred to a committee, to be composed of Messrs. Solicitor General, Sherwood, McLean, and Kearnes, with power to send for persons and papers, and to report thereon.

Bill to regulate costs of levying distresses brought in.

Pursuant to notice, Mr. Solicitor General, seconded by Mr. Malloch, moves for leave to bring in a bill to regulate the costs of levying distresses for small rents and penalties.

Which was granted, and the Bill was read the first time.

Ordered—That the bill be read a second time on Monday next.

2nd reading Monday.

Pursuant to the order of the day, the District Court practice amendment Bill was read the second time.

District Court practice amendment bill read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. McDonell of *Northumberland* in the chair.

The House resumed.

The chairman reported that the committee had made some progress in the bill, and asked leave to sit again on Monday next. Progress reported.

The report was received, and leave granted accordingly.

Pursuant to the order of the day, the bill to alter the law respecting the liability of Executors of joint contractors was read the second time. Bill to alter Executors' liability law read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Bockus in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The Report was received.

Ordered—That the Bill be engrossed, and read a third time on Monday next. 3rd reading Monday.

Pursuant to the order of the day, the bill to regulate the future erection of Gaols was read the second time. Gaol Bill read second time and committed.

The House was put into committee of the whole on the bill.

Mr. Malloch in the Chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House. Reported amended.

The Report was received.

Ordered—That the Bill be engrossed and read a third time on Monday next. 3rd reading Monday.

Pursuant to the order of the day, the bill to postpone the sale of lands in arrear for taxes was read the second time. Bill to postpone sale of lands for taxes read second time and committed.

The House was put into committee of the whole on the bill.

Mr. Sherwood in the chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill and asked leave to sit again on Tuesday next. Progress reported.

The report was received, and leave granted accordingly.

Pursuant to notice, Mr. Boulton, seconded by Mr. Thomson, moves for leave to bring in a Bill to provide for the payment of wages to members of the House of Assembly. Members' Wages bill brought in.

Which was granted, and the Bill was read the first time.

Mr. Boulton, seconded by Mr. Sherwood, moves that the bill for the payment of wages to members of the House of Assembly be now read a second time, and that the 40th rule of this House be dispensed with for that purpose.

Which was carried, and the bill was read the second time. Read second time and committed.

The House was put into committee of the whole on the Bill.

Mr. Shaver in the chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House. Reported amended.

The report was received.

Ordered—That the bill be engrossed and read a third time on Monday next. 3rd reading Monday.

Pursuant to notice, Captain Dunlop, seconded by Mr. Sherwood, moves, that the House do now resolve itself into a committee of the whole on the subject of salt duty. House in committee on Salt duty.

Which was carried, and the House was put into committee of the whole accordingly.

Mr. Cornwall in the Chair.

The House resumed.

Committee rises.

The chairman reported that the committee had risen.

The report was received.

At 2 o'clock, P. M., the Speaker adjourned the House for an hour.

The House met again pursuant to adjournment.

Bill to detain persons suspected of treason sent down amended by Legislative Council.

The Master in Chancery brought down from the Honorable the Legislative Council a Message and the Bill entitled, "*An Act to authorise the apprehending and detention of persons suspected of High Treason, Misprision of Treason, and Treasonable practices,*" to which that Honorable House had made some amendments, and requested the concurrence of this House thereto.

Message from Legislative Council.

The Message was read by the Speaker as follows:—

MR. SPEAKER :

Niagara Quarter Sessions bill passed.

The Legislative Council has passed the Bill sent up from the Commons House of Assembly, entitled, "*An Act to repeal part of and amend an Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act to appoint the time and place of holding the Court of General Quarter Sessions of the Peace, in each of the several Districts of this Province, and to repeal the several laws now in force for that purpose'*"—without any amendment.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Sixth day of January, 1838. }

Amendments to bill to detain persons suspected of Treason read first time.

The amendments made by the Honorable the Legislative Council in and to the Bill sent up from this House entitled, "*An Act to authorise the apprehending and detention of persons suspected of High Treason, Misprision of Treason, and Treasonable practices,*" were read the first time as follows:—

Amendments.

Press 3.—After the fourth clause, insert—" *And be it further enacted by the authority aforesaid, That for and during the continuance of this Act in all and every case in which application shall be made for Her Majesty's Writ of Habeas Corpus, to any Court or Courts, Judge, or Judges, within this Province, by any person or persons who are or shall be in prison within this Province at or upon the day on which this Act shall receive the Royal Assent, or afterwards, charged by any public authority with High Treason, Misprision of Treason, and Treasonable practices, such writ of Habeas Corpus, if allowed, shall not be made returnable in less than thirty days from the time of its being allowed, and in all and every such case and cases it shall be the duty of such Court, or Judge or Judges, and of each and every of them, and they are hereby required, when and so soon as such application for such writ of Habeas Corpus shall to them be respectively made, to give notice and information thereof in writing, together with copies of such application, and of the affidavit or affidavits, or other paper writings on which such application shall be founded, to the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being.*"

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Fifth day of January, 1838. }

On the question for the second reading of the amendments on Monday next,

In amendment, the Solicitor-General, seconded by Mr. Malloch, moves that the amendments of the Honourable the Legislative Council to the Bill entitled "*An Act to authorise the Apprehending and Detention of Persons suspected of High Treason, Misprision of Treason, or Treasonable Practices,*" be read a second time this day, and that the 40th rule of this House be dispensed with as regards the same.

Amendments read second time and committed.

Which was carried, and the amendments were read the second time.

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

Committee of whole on amendments.

Mr. McCrae in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to the amendments, and submitted them for the adoption of the House.

Chairman reported amendments.

The Report was received.

The amendments were then read the third time and passed.

Read third time and passed.

Messrs. Solicitor-General and Cartwright were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the amendments.

Pursuant to the order of the day, the Bill to facilitate the proceedings of Joint Stock Banking Companies was read the second time.

Bill to facilitate proceedings of Joint Stock Banks read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Lewis in the Chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again on Monday next.

Progress reported.

The Report was received, and leave granted accordingly.

Pursuant to the order of the day, the Bill to amend the Johnstown District Macadamized Road Act was read the second time.

Johnstown District road amendment bill read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Dunlop in the chair.

The House resumed.

The Chairman reported that the committee had made some progress in the bill, and asked leave to sit again on Monday next.

Progress reported.

The report was received, and leave granted accordingly.

Pursuant to the order of the day, the Bill to restrain private Banking was read the second time.

Bill to restrain private Banking read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Ferrie in the Chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again on Monday next.

Progress reported.

The report was received, and leave granted accordingly.

Mr. Solicitor-General, seconded by Mr. Malloch, moves, that the order for the adjournment of this House from two to three o'clock each day be rescinded.

Motion to rescind order for adjournment at 2 o'clock.

On which the Yeas and Nays were taken, as follows :—

Division.

Y E A S.

Messieurs *Armstrong, Attorney General, Bockus, Boulton, Duncombe* of Norfolk, *Jarvis, Kearnes, Lewis, Malloch, Manahan, McDonell* of Northumberland, *McDonell* of Stormont, *McLean, Shaver, Solicitor-General, Thomson, Thorburn*—17.

Yeas—17.

N A Y S.

Messieurs *Caldwell, Cartwright, Cornwall, Deltor, Dunlop, Ferrie, Gowan, McIntosh, Shade, Sherwood*—10.

Nays—10.

The question was carried in the affirmative by a majority of seven.

Carried, majority 7.

Adjourned.

Monday, 8th January, 1838.

The House met.

The minutes of Saturday were read.

Petitions brought up.

The following petitions were severally brought up and laid on the table:—

Of W. Scollick, J. P., and others.

By Mr. Shade, the petition of William Scollick, J. P., and one hundred and one others, of the township of Waterloo, (Halton.)

D'Arcy Boulton, Esq.

And by Mr. Boulton, the petition of D'Arcy Boulton, Esq., of the City of Toronto, Her Majesty's Auditor General of Land Patents.

Bill to continue expiring laws read 3rd time and passed.

Pursuant to the order of the day, the Bill to continue the expiring laws was read the third time and passed.

Title.

Mr. Cartwright, seconded by Mr. Detlor, moves, that the Bill be entitled, "*An Act to continue the expiring laws.*"

Which was carried, and Messrs. Cartwright and Detlor were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Bill respecting Trial of Treason read 3rd time.

Pursuant to the order of the day, the Bill to provide for the more impartial trial of Treason was read the third time.

On question for passing.

On the question for passing the Bill,

Amendment moved.

In amendment, Mr. Richardson, seconded by Mr. Manahan, moves that the Bill do not now pass, but that it be recommitted this day.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—10.

Messieurs *Detlor, Dunlop, Gowan, Kearnes, Manahan, McKay, McLean, Murney, Parke, Richardson*—10.

N A Y S.

Nays—15.

Messieurs *Attorney-General, Bockus, Boulton, Cornwall, Duncombe of Norfolk, Elliott, Ferrie, Jarvis, Malloch, McDonell of Northumberland, Morris, Shaver, Solicitor-General, Thorburn, Woodruff*—15.

Lost, majority 5.

The question of amendment was decided in the negative by a majority of five.

On passing.

On the question for passing the bill, the yeas and nays were taken as follows:

Y E A S.

Yeas—21.

Messieurs *Attorney-General, Bockus, Boulton, Caldwell, Cartwright, Cornwall, Dunlop, Elliott, Ferrie, Gowan, Jarvis, Kearns, Malloch, Manahan, McDonell of Northumberland, McKay, McLean, Murney, Richardson, Shade, Solicitor General*—21.

N A Y S.

Nays—8.

Messieurs *Detlor, Duncombe of Norfolk, Morris, Norton, Parke, Shaver, Thorburn, Woodruff*—8.

Bill passed, majority 13.

The question was carried in the affirmative by a majority of thirteen, and the Bill passed.

Title.

Mr. Attorney General, seconded by Mr. Solicitor General, moves, that the Bill be entitled, "*An Act to provide for the more effectual and impartial trial of persons charged with Treason and Treasonable practices, committed in this Province.*"

Which was carried, and Messrs. Attorney General and Solicitor General were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council and to request their concurrence thereto.

Pursuant to the order of the day, the Bill to amend the law with respect to the liability of executors of joint contractors was read the third time and passed. Bill to amend executors liability law read third time and passed.

Mr. Jarvis, seconded by Mr. Bockus, moves, that the Bill be entitled, *"An Act to amend the law with respect to the liability of the legal representatives of Joint Contractors, and of Defendants on Joint Judgments."* Title.

Which was carried, and Messrs. Jarvis and Bockus were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Bill to regulate the future erection of Gaols was read the third time and passed. Gaol bill read third time and passed.

Mr. Cartwright, seconded by Mr. Detlor, moves, that the Bill be entitled *"An Act to regulate the future erection of Gaols in this Province."* Title.

Which was carried, and Messrs. Cartwright and Detlor were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Members' Wages Bill was read the third time. Members' wages bill read third time.

On the question for passing the Bill,

In amendment, Mr. Thorburn, seconded by Mr. Shaver, moves, that the words "Districts, Cities, Towns, or"—be expunged from the Bill. Amendment moved.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs Parke, Shaver, Thorburn, Woodruff—4.

Yeas—4.

N A Y S.

Messieurs Armstrong, Attorney-General, Bockus, Boulton, Cartwright, Cornwall, Detlor, Elliott, Ferrie, Gowan, Jarvis, Kearnes, Lewis, Malloch, Manahan, McCrae, McDonell of Northumberland, McKay, McLean, Murney, Morris, Shade, Sherwood, Solicitor-General—24.

Nays—24.

The question of amendment was decided in the negative by a majority of twenty. Amendment lost, majority 20.

In amendment, Mr. Bockus, seconded by Mr. Armstrong, moves, that the Bill do not now pass, but that it be recommitted for the purpose of striking out those parts of the Bill altering the amount to be paid to members of this House. Another amendment moved.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs Armstrong, Bockus, Lewis, Malloch, Parke, Shaver, Thorburn—7.

Yeas—7.

N A Y S.

Messieurs Boulton, Cartwright, Cornwall, Detlor, Duncombe of Norfolk, Elliott, Ferrie, Gowan, Kearnes, Manahan, McCrae, McDonell of Northumberland, McDonell of Stormont, McKay, Murney, Morris, Norton, Shade, Sherwood, Solicitor-General, Woodruff—21.

Nays—21.

The question of amendment was decided in the negative by a majority of fourteen. Amendment lost, majority 14.

In amendment, Mr. Jarvis, seconded by Mr. Attorney-General, moves that the Bill do not now pass, but that it be amended by striking out all from the word "Whereas," and inserting the following—"it is inexpedient to pay wages to the members of the House of Assembly of this Province—*Be it,*" Another amendment moved.

&c., That from and after the passing of this Act it shall not be lawful for any member of this House to accept or receive wages or any other compensation for his services."

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—6. Messieurs *Attorney-General, Boulton, Cartwright, Jarvis, Manahan, Solicitor-General*—6.

N A Y S.

Nays—27. Messieurs *Armstrong, Bockus, Caldwell, Cornwall, Dettlor, Duncombe* of Norfolk, *Dunlop, Elliott, Gowan, Kearnes, Lewis, Malloch, Marks, McCrae, McDonell* of Northumberland, *McDonell* of Stormont, *McKay, McLean, Murney, Morris, Norton, Parke, Shade, Shaver, Sherwood, Thorburn, Woodruff*—27.

Amendment lost, majority 21.

The question of amendment was decided in the negative by a majority of twenty-one.

On passing,

On the question for passing the Bill, the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—25. Messieurs *Attorney General, Boulton, Caldwell, Cartwright, Cornwall, Dettlor, Duncombe* of Norfolk, *Dunlop, Elliott, Gowan, Kearnes, Manahan, McCrae, McDonell* of Northumberland, *McDonell* of Stormont, *McKay, McLean, Murney, Morris, Norton, Parke, Shade, Sherwood, Solicitor General, Woodruff*—25.

N A Y S.

Nays—7. Messieurs *Armstrong, Bockus, Jarvis, Lewis, Malloch, Shaver, Thorburn*—7.

Bill passed, majority 18.

The question of amendment was decided in the affirmative by a majority of eighteen, and the Bill was passed.

Title.

Mr. Boulton, seconded by Mr. Elliott, moves that the Bill be entitled, "*An Act to alter the mode of paying the wages of members of the House of Assembly.*"

Which was carried, and Messrs. Boulton and Elliott were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Petitions read.

Pursuant to the order of the day, the following petitions were read:—

A. Story and others.

Of Alexander Story and forty-three others of the township of Oxford, District of Johnstown, praying that no petition praying for the alteration of the present boundary line of that township may be attended to.

G. W. Baker and others.

And of G. W. Baker, and one thousand four hundred and two others, of the townships of Nepean, Goulburn, March, Huntley, Torbolton, Fitzroy, Pakenham, Macnab, Horton, Ross, Westmeath, and Pembroke, in the District of Bathurst—and of Gloucester and Osgoode, in the District of Ottawa—praying for the formation of the above-named townships into a separate District, having Bytown for its District town.

On motion of Mr. McKay, seconded by Mr. Shade,

Petition of G. W. Baker and others referred.

Ordered—That the Petition of George Baker and others be referred to a Select Committee composed of Messrs. Lewis, Malloch, Kearnes, and Gowan, with power to send for persons and papers, and to report by bill or otherwise.

NOTICES:

Of select committee on conduct of Canada Company Commissioners.

Captain Dunlop gives notice that he will, on to-morrow, move that a Committee of this Honourable House be appointed to investigate the recent conduct of the Commissioners of the Canada Company, more especially as respects the contents of a letter, of a disloyal tendency, addressed by them to the officer commanding the Huron Militia, holding out a threat calculated to deter him from the performance of his duty.

Captain Dunlop gives notice, that, on Friday next, he will move that the House do go into Committee for the purpose of voting a sum of money for the erection of a Lunatic Asylum.

Of committee of whole on Lunatic Asylum.

Mr. Ferrie, from the Committee to draft and report an Address to His Excellency, the Lieutenant-Governor, founded on the Resolution of this House respecting the Bills reserved last winter session, reported a draft, which was received and read twice, and ordered to be engrossed and read a third time this day.

Address to His Excellency on reserved bills reported and read twice.

3rd reading to-day.

Mr. Gowan, from the Select Committee to which was referred the Boundary Commissioners' Bill, reported the Bill.

Select committee report Boundary Commissioners' bill.

Bill read first time.

The Report was received, and the Bill was read the first time.

Ordered—That the Bill be read a second time to-morrow.

2nd reading to-morrow.

Mr. Gowan, from the Select Committee to which was referred the Petition of G. W. Baker and others, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Select Committee on petition of G. W. Baker and others report Dalhousie District bill.

The Report was received; and the Dalhousie District Bill was read the first time.

Bill read first time.

Ordered—That the bill be read a second time to-morrow.

2nd reading to-morrow.

Mr. Cartwright, seconded by Mr. Sherwood, moves that the order of this House for a Committee of the whole on the Bill to amend the Practice of the District Courts be discharged, and that the said bill be referred to a Select Committee, consisting of Messrs. Jarvis, Sherwood, Bockus, and Detlor, with leave to report by amendment or otherwise.

District Court practice amendment bill referred to select committee.

Which was carried.

Mr. Attorney-General, seconded by Mr. Murney, moves that an humble Address be presented to His Excellency, the Lieutenant-Governor, requesting that His Excellency will be pleased to inform this House whether there be any persons in arms against the laws and constitution of this Province; and, if so, where they are assembled, and from what places collected:—The number of persons (militia and volunteers) to whom arms have been delivered since the commencement of the rebellion:—What number of militia and volunteers are now embodied, and where stationed:—And also, all such information as His Excellency may be in possession of, relative to the recent capture and destruction of a piratical steam-boat called the "Caroline," on the river Niagara:—Together with any correspondence that may have taken place between the authorities of this Province and the Government, or officers, of the United States or the State of New-York, relative to the occupation of Navy Island by an armed force from the State of New-York, and of the manner in which they obtained their arms;—and that Messrs. Solicitor-General and Bockus be a Committee to draft the said Address forthwith;—and that the 31st rule of the House be dispensed with so far as regards this motion.

Address for information respecting persons in arms against the Province on Navy Island, moved.

Which was carried, *nem. con.*

Carried, *nem. con.*

P R E S E N T.

Messieurs Armstrong, Attorney-General, Bockus, Boulton, Caldwell, Cartwright, Cornwall, Detlor, Duncombe, of Norfolk, Dunlop, Ferrie, Gowan, Jarvis, Kearnes, Lewis, Malloch, Manahan, McCrae, McDonell of Northumberland, McDonell, of Stormont, McKay, McLean, Murney, Morris, Norton, Parke, Richardson, Shade, Shaver, Sherwood, Solicitor-General, Thomson, Thorburn, Woodruff—24.

Present.

Mr. Solicitor-General, from the Committee to draft an Address in conformity with the above Resolution, reported a draft, which was received and read three times, and passed; and is as follows:—

Address reported, read three times and passed.

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

Address.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, respectfully pray Your Excellency will be pleased to inform this House, whether there be any persons in arms against the laws and constitution of this Province; and, if so, where they are assembled, and from what place or places they have come:—Also, the number of Her Majesty's subjects, militiamen and volunteers, to whom arms have been delivered for the defence of the Province since the commencement of the rebellion;—what number of militia and volunteers are now embodied, and where stationed;—and also all such information as may be in Your Excellency's possession relative to the recent capture and destruction of a piratical steam-boat called the "Caroline," on the river Niagara;—together with any correspondence that may have taken place between the authorities of this Province and the Government or officers of the United States, or the State of New-York, relative to the occupation of Navy Island by an armed force, and of the manner in which they obtained their arms.

H. RUTTAN,
Speaker.

Commons House of Assembly, }
8th January, 1838. }

On motion of Mr. Attorney-General, seconded by Mr. Murney,

Ordered—That Messrs. Solicitor-General and Bockus be a Committee to wait on His Excellency the Lieutenant-Governor with the Address of this House, and to present the same.

Address on reserved bills read third time and passed.

Pursuant to the order of the day, the Address to His Excellency, the Lieutenant-Governor, for information respecting the reserved bills was read the third time and passed, and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

Address.

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request Your Excellency to inform this House, whether any communication has been received from the Colonial Secretary upon the subject of the Bills passed the two branches of the Legislature during the First Session of this Parliament, and reserved for His Majesty's assent; and, if so, that Your Excellency will be pleased to transmit copies of the same for the information of this House.

H. RUTTAN,
Speaker.

Commons House of Assembly, }
8th January, 1838. }

On motion of Mr. Sherwood, seconded by Mr. Boulton,

Ordered—That Messrs. Ferrie and Caldwell be a Committee to wait on His Excellency, the Lieutenant-Governor, with the Address of this House on the subject of the Reserved Bills.

On motion of Mr. Jarvis, seconded by Mr. Bockus,

Ordered—That Mr. Richardson be added to the Committee to whom was referred the Bill for altering the practice of the District Courts of this Province; and that the 29th rule of this House be dispensed with for that purpose, so far as relates to the same.

Mr. Richardson added to select committee on District Courts bill.

Bill to indemnify persons for apprehending those suspected of Treason, again committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to indemnify persons for apprehending those suspected of Treason.

Mr. Thomson in the chair.

The House resumed.

Jan. 8, 1838.]

1st Queen Victoria.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House. Reported amended.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to prevent unlawful training. Bill to prevent training again committed.

Mr. Manahan in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The report was received.

Ordered—That the Bill be engrossed, and read a third time to-morrow. 3rd reading to-morrow.

Pursuant to the order of the day, the House was again put into a committee of the whole on the Bill to amend the law for preventing the sale of spirituous liquors without license. Bill to amend Spirituous Liquors License Law again committed.

Mr. Thorburn in the Chair.

The House resumed.

The Chairman reported that the committee had made some further progress in the bill, and asked leave to sit again on Wednesday next. Progress reported—sit again on Wednesday.

The Report was 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 to amend the law of Ejectment. Bill to amend Ejectment law again committed.

Mr. McDonald (of Stormont) in the Chair.

The House resumed.

The Chairman reported that the Committee had made some further progress in the Bill, and asked leave to sit again to-morrow. Progress reported.

The report was received, and leave granted accordingly.

Pursuant to notice, Mr. Solicitor General, seconded by Mr. Sherwood, moves for leave to bring in a Bill to determine the authority of certain Commissioners commonly called the Heir and Devisee Commissioners, and to vest the power in the Court of Chancery. Bill to determine authority of Heir and Devisee Commissioners brought in.

Which was granted, and the Bill was read the first time.

Ordered—That the Bill be read a second time to-morrow. 2nd reading to-morrow.

Pursuant to the order of the day, the Bill to incorporate the Huron Fishery Company was read the second time. Huron Fishery Company bill read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Jarvis in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Pursuant to the order of the day, the Bill to regulate the costs of levying distresses was read the second time. Bill to regulate costs of levying distresses read 2nd time and committed.

The House was put into committee of the whole on the bill.

Mr. Shade in the Chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill and asked leave to sit again on to-morrow. Progress reported.

The report was received, and leave granted accordingly.

Adjourned.

Tuesday, 9th January, 1838.

The House met.

The minutes of yesterday were read.

Petitions brought up.

The following Petitions were severally brought up, and laid on the table:—

G. Gurnett, Esq.

By Mr. Solicitor General, the petition of George Gurnett, Esq., Mayor of the City of Toronto.

J. Counter and others.

And by Mr. Cartwright, the petition of J. Counter and eight others of the town of Kingston.

Bill for indemnifying persons for apprehending those suspected of Treason read third time.

Pursuant to the order of the day, the Bill to indemnify persons for apprehending those suspected of Treason was read the third time.

On the question for passing the Bill,

Amendment moved.

In amendment, Mr. Parke, seconded by Mr. Woodruff, moves, that the Bill do not now pass, but that it be amended by adding the following to the first enacting clause:—"Provided always, that nothing in this Act shall extend or be construed to extend, to indemnifying any person or persons for committing illegal, cruel, or wanton acts, not necessary for the suppressing of the disturbances of the country, and whereby any of Her Majesty's subjects might be injured in their person or property."

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—8.

Messieurs *Bockus, Duncombe* of Norfolk, *McDonell*, of Stormont, *McIntosh, Parke, Shaver, Thorburn, Woodruff*—8.

N A Y S.

Nays—22.

Messieurs *Boulton, Caldwell, Cartwright, Cornwall, Deltor, Dunlop, Ferrie, Jarvis, Kearnes, Lewis, Malloch, Manahan, McCrae, McDonell*, of Northumberland, *McKay, McLean, Murney, Morris, Robinson, Shade, Sherwood, Solicitor-General*—22.

Amendment lost, majority 14.

The question of amendment was decided in the negative by a majority of fourteen.

On passing,

On the question for passing the Bill the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—27.

Messieurs *Armstrong, Bockus, Boulton, Caldwell, Cartwright, Cornwall, Deltor, Dunlop, Ferrie, Gowan, Jarvis, Kearnes, Lewis, Malloch, Manahan, McCrae, McDonell*, of Northumberland, *McDonell*, of Stormont, *McKay, McLean, Murney, Morris, Robinson, Shade, Sherwood, Solicitor General, Woodruff*—27.

N A Y S.

Nays—4.

Messieurs *Duncombe*, of Norfolk, *Parke, Shaver, Thorburn*—4.

Bill passed, majority 23.

The question was carried in the affirmative by a majority of twenty-three, and the Bill was passed.

Title.

Mr. Solicitor-General, seconded by Mr. Robinson, moves that the Bill be entitled "*An Act for indemnifying persons who, since the 2nd December, 1837, have acted in apprehending, imprisoning, or detaining in custody, Persons suspected of High Treason, or Treasonable practices, and in the suppression of Unlawful Assemblies, and for other purposes therein mentioned.*"

Which was carried; and Messrs. Solicitor-General and Robinson were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Bill to prevent Unlawful Training was read the third time and passed.

Bill to prevent training read third time and passed.

Mr. Solicitor-General, seconded by Mr. Robinson, moves that the Bill be entitled, "*An Act to prevent the training of persons to the use of Arms, and to the practice of Military Evolutions and Exercises, and to authorise Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.*"

Title.

Which was carried; and Messrs. Solicitor-General and Robinson were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Bill to incorporate the Huron Fishery Company was read the third time.

Huron Fishery Bill read third time.

Captain Dunlop, seconded by Mr. Gowan, moves that the blank be filled up with the words "one month."

Motion to fill up blank.

In amendment, Mr. Sherwood, seconded by Mr. Armstrong, moves that the blank in the bill be not now filled up, but that the bill be referred to a Select Committee, consisting of Messrs. Dunlop, Solicitor-General, and Boulton, with power to send for persons and papers, and to report thereon.

Amendment moved—to refer bill to select committee.

Which was carried.

Carried.

Mr. Solicitor-General, seconded by Mr. Malloch, moves that the Petition of George Gurnett, Esq., Mayor of the City of Toronto, and others, be now read, and that the 41st rule of this House be dispensed with as far as regards the same.

Which was carried; and the Petition of George Gurnett, Esq. Mayor of the City of Toronto, and ten others, praying that the validity of the ensuing elections for the City may not be affected in consequence of the Court not having sat to try objections to voters, as required by law—was read.

Petitions read.

G. Gurnett and others.

Pursuant to the order of the day, the following petitions were read:—

Of Owen Richards, light-house keeper at Point Peter, District of Prince Edward, praying for the erection of a dwelling-house on higher ground,—that already built being flooded by the overflowing of the lake.

O. Richards.

Of Anthony Manahan, of the Town of Kingston, praying to be remunerated for a seizure made of his property by the late Collector of Kingston, since declared an illegal one.

A. Manahan.

And of George Manners and seventeen others, of the District of Newcastle, praying to be incorporated into a Company for the formation of a harbour in the township of Clark, to be called the "Bond Head Harbour Company," with a capital of £5000.

G. Manners and others.

On motion of Mr. Gowan, seconded by Mr. Elliott,

Ordered—That the petition of Anthony Manahan, Esquire, be referred to a select committee consisting of Messrs. Dunlop, Marks, McKay, and McDonell (of Stormont,) with power to send for persons and papers, and to report by Bill or otherwise.

Petitions referred.

Of A. Manahan.

On motion of Mr. Boulton, seconded by Mr. Cartwright,

Ordered—That the petition of George Manners and others be referred to a select committee, to consist of Messrs. McDonell (of Northumberland) and Elliott, to report thereon by Bill or otherwise.

Of G. Manners and others.

On motion of Mr. Solicitor-General, seconded by Mr. Malloch,

Ordered—That the petition of George Gurnett, Esquire, and others, be referred to a select committee, to be composed of Messrs. Boulton and Robinson, with leave to report by bill or otherwise.

Of G. Gurnett, Esq. and others.

On motion of Mr. Bockus, seconded by Mr. Armstrong,

Of Owen Richards.

Ordered—That the petition of Owen Richards, Keeper of the Light House at Point Peter, in the District of Prince Edward, be referred to a select committee, composed of Messrs. Gowan and Marks, with power to send for persons and papers and report thereon.

NOTICES:

Of Select Committee on expediency of establishing a Deaf & Dumb Asylum.

Mr. Gowan gives notice that he will, on to-morrow, move for the appointment of a select committee, to take into consideration, and to report to this House, upon the practicability and propriety of establishing a Provincial Asylum for the care and instruction of the Deaf and Dumb.

Of Committee of whole to authorise a Loan to Macadamize Road from Ten Mile Creek to Niagara.

Mr. Richardson gives notice that he will, on Monday next, move that the House do resolve itself into a committee of the whole for the purpose of authorising the Receiver-General to raise by way of loan a sum of money to construct a macadamized road from the Ten Mile Creek, in the township of Grantham, along the Swamp Road to the Town of Niagara, and through Queen Street in said Town.

Of Bill to regulate Expenses of Private Bills.

Mr. Jarvis gives notice that he will, on to-morrow, move for leave to bring in a bill to regulate the payment of expenses of private bills.

Motion to procure twelve copies of Revised Statutes and Acts passed since 1832.

Mr. Richardson, seconded by Captain Dunlop, moves that the Clerk do procure, for the use of this House, one dozen copies of the Revised Statutes,—and also the like number of Acts passed between 1832 and the last Session of Parliament (inclusive) bound in calf—and that each volume be labelled “HOUSE OF ASSEMBLY—UPPER CANADA.”

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—24.

Messieurs *Armstrong, Caldwell, Cornwall, Dettlor, Duncombe* of Norfolk, *Dunlop, Ferrie, Gowan, Kearnes, Lewis, Manahan, Marks, McCrae, McDonell* of Stormont, *McIntosh, McKay, McLean, Norton, Parke, Richardson, Shade, Shaver, Thorburn, Woodruff*—24.

N A Y S.

Nays—5.

Messieurs *Bockus, Boulton, Jarvis, McDonell* of Northumberland, *Solicitor-General*—5.

Carried, majority 19.

The question was carried in the affirmative by a majority of nineteen, and ordered accordingly.

Select committee on petition of G. Gurnett and others report bill to amend Toronto Incorporation Act.

Mr. Boulton, from the select committee to which was referred the petition of George Gurnett, Esq., and others, informed the House that the committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Bill read 1st time.

The report was received, and the bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill to amend the Toronto Incorporation Act be read a second time to-morrow.

Select committee on machinery bill report the bill.

Mr. Gowan, from the select committee to which was referred the Bill to protect persons against injury from machinery, reported the Bill.

Bill read first time.

The Report was received, and the Bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

Bill to extend Niagara Gaol Limits brought in.

Pursuant to notice, Mr. Richardson, seconded by Mr. Morris, moves for leave to bring in a Bill to extend the Gaol Limits of the District of Niagara to the whole District.

Which was granted, and the Bill was read the first time.

On the question for the second reading of the Bill to-morrow,

In amendment, Mr. Richardson, seconded by Morris, moves, that the Niagara District Gaol Limits Bill be read a second time this day, and that the 40th rule of this House be dispensed with so far as relates to the same.

Which was carried, and the Bill was read the second time.

Read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. McIntosh in the Chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again this day.

Progress reported—to sit again to-day.

The report was received, and leave granted accordingly.

Pursuant to notice, Mr. Sherwood, seconded by Mr. Ferrie, moves for leave to bring in a Bill authorising the establishment of a Loan and Trust Company at Brockville, in the District of Johnstown.

Brockville Loan and Trust Company bill brought in.

Which was granted, and the Bill was read the first time.

Ordered—That the Bill be read a second time to-morrow.

2nd reading to-morrow.

Mr. Solicitor-General, from the committee to wait on His Excellency the Lieutenant Governor with the Address of this House requesting copy of correspondence between His Excellency and the American Government, and also for information respecting the rebels on Navy Island, reported, delivering the same, and that His Excellency had been pleased to make thereto the following answer :—

Committee to wait on His Excellency with address for information respecting Navy Island, report answer.

GENTLEMEN,

I will communicate to the House of Assembly, with as little delay as possible, the information requested in this Address.

Answer.

Mr. Sherwood, from the committee to wait on His Excellency the Lieutenant Governor to know when he will be pleased to receive this House with its address to Her Majesty of condolence and congratulation, reported that His Excellency had been pleased to name the hour of 12 o'clock, on Saturday next.

Committee to enquire when His Excellency will receive this House with its address of condolence to Her Majesty, report 12 o'clock on Saturday.

Mr. Boulton, seconded by Mr. Solicitor-General, moves that the Bill for facilitating Joint Stock Banking Companies, as also that for restraining private Banks,—and the Returns from the Chartered Banks, together with the subject of Banking generally, be referred to a committee of nine members, to be chosen to-morrow, at noon, by ballot, and that the order of the House for the committing of those Bills be discharged, and that such committee report thereon by Bill or otherwise, and have power to send for persons and papers.

Motion to refer private Banks restriction bill, and bill to facilitate Joint Stock Banking Companies—also Bank Returns, and Banking generally, to select committee, to be balloted for to-morrow at noon.

In amendment, Mr. Sherwood, seconded by Mr. Bockus, moves that the word "to-morrow" be expunged, and the words "Monday next" inserted, at which day there is a call of the House.

Amendment moved.

On which the Yeas and Nays were taken as follows :—

Division.

Y E A S.

Messieurs *Bockus, Dunlop, Gowan, Jarvis, Manahan, McIntosh, Parke, Sherwood, Thorburn*—9.

Yeas—9.

N A Y S.

Messieurs *Armstrong, Attorney-General, Boulton, Cartwright, Duncombe of Norfolk, Kearnes, Malloch, McDonell of Stormont, McLean, Murney, Norton, Richardson, Robinson, Shade, Shaver, Solicitor-General, Woodruff*—17.

Nays—17.

The question of amendment was decided in the negative by a majority of eight.

Amendment lost, majority 8.

The original question was then put and carried.

Original question carried.

Pursuant to the order of the day, the House was again put into a committee of the whole on the Bill to amend the Johnstown District Macadamized Roads Act.

Bill to amend Johnstown District Road Act again committed.

Mr. Murney in the chair.

The House resumed.

Reported without amendment.

The Chairman reported that the committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Bill to postpone sale of lands for taxes again committed.

Pursuant to the order of the day, the House was again put into a committee of the whole on the Bill to postpone the sale of lands in arrear for taxes.

Mr. Sherwood in the chair.

The House resumed.

Progress reported.

The chairman reported that the committee had made some further progress in the bill, and asked leave to sit again to-morrow.

The report was received, and leave granted accordingly.

Boundary Commissioners bill read second time and committed.

Pursuant to the order of the day, the Boundary Commissioners Bill was read the second time.

The House was put into committee of the whole on the bill.

Mr. Boulton in the chair.

The House resumed.

Reported amended.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

The report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Dalhousie District bill read second time and committed.

Pursuant to the order of the day, the Dalhousie District Bill was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. McLean in the chair.

Black Rod.

The Speaker resumed the chair, Black Rod being at the door.

The Speaker left the chair.

The Chairman resumed the chair of committee.

The House resumed.

Reported without amendment.

The Chairman reported that the committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Bill to protect inhabitants of this Province against lawless aggressions sent down from Legislative Council for concurrence.

Mr. Speaker reported that the Master in Chancery had brought down from the Honourable the Legislative Council a Bill entitled "*An Act to protect the inhabitants of this Province against lawless aggressions from the subjects of foreign countries at peace with Her Majesty*,"—which that Honourable House had passed, and requested the concurrence of this House thereto.

Bill read first time.

The Bill sent down by the Honourable the Legislative Council entitled, "*An Act to protect the inhabitants of this Province against lawless aggressions from the subjects of foreign countries at peace with Her Majesty*," was read the first time.

On the question for the second reading of the Bill to-morrow,

In amendment, Mr. Attorney-General, seconded by Mr. Solicitor-General, moves that the Bill be read a second time this day, and that the 40th rule of this House be dispensed with as far as relates to the same.

Which was carried, and the Bill was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Armstrong in the Chair.

The House resumed.

Bill read second time and committed.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The Report was received.

The Bill was then read the third time and passed. Bill read third time and passed.

Messrs Attorney-General and Armstrong were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had agreed to the same without amendment.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to amend the Ejectment Law. Bill to amend Ejectment law again committed.

Mr. Solicitor-General in the chair.

The House resumed. Reported amended.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

The report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Pursuant to the order of the day, the Bill to determine the authority of the Heir and Devisee Commissioners was read the second time. Heir and Devisee Commissioners bill read second time and committed.

The House was put into Committee of the whole on the bill.

Mr. Cartwright in the chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill and asked leave to sit again to-morrow. Progress reported.

The report was received, and leave granted accordingly.

On motion of Mr. Solicitor-General, seconded by Mr. Richardson,

Ordered—That 100 copies of the Bill for determining the authority of the Heir and Devisee Commissioners be printed for the use of members. 100 copies to be printed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to regulate the Costs of Levying Distresses. Bill to regulate costs of levying distresses again committed.

Mr. Shade in the Chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House. Reported amended.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Niagara Gaol Limits Bill. Niagara Gaol Limits bill again committed.

Mr. Caldwell in the Chair.

The House resumed.

The Chairman reported that the Committee had made some further progress in the Bill, and asked leave to sit again to-morrow. Progress reported.

The report was received, and leave granted accordingly.

Mr. Ferrie, from the Committee to wait on His Excellency, the Lieutenant-Governor with the Address of this House, praying for information respecting the Reserved Bills, reported delivering the same, and that His Excellency had been pleased to make thereto the following Answer:—

GENTLEMEN :—

I shall transmit to the House of Assembly, without delay, a copy of the communication I have received from Her Majesty's Secretary of State for the Colonies, respecting the Bills passed by the two Houses of the Legislature during the First Session of this Parliament, and reserved for the Royal Assent. Answer.

Adjourned.

Wednesday, 10th January, 1838.

The House met.

The minutes of yesterday were read.

Petitions brought up.

Hon. P. McGill, and others.

Mr. McKay brought up the petition of the Honourable Peter McGill and others, Constitutional Society of Montreal; which was laid on the table.

J. Adams and 57 others.

Mr. Norton brought up the petition of John Adams and fifty-seven others, of the township of Oxford, District of Johnstown; which was laid on the table.

Bill to amend Johnstown District Road Act read third time and passed.

Pursuant to the order of the day, the Bill to amend the Johnstown District Macadamized Road Act was read the third time and passed.

Title.

Mr. Gowan, seconded by Mr. Morris, moves that the Bill be entitled, "*An Act to amend an Act passed in the 7th year of the reign of His late Majesty King William the Fourth, 'entitled, An Act to raise a sum of money to macadamize the roads leading from Brockville to St. Francis, Charleston, Lyndhurst Beverley, and Portland in the District of Johnstown, and to authorise the erection of Toll Gates on the said roads.'*"

Which was carried, and Messrs. Gowan and Morris were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Dalhousie District bill read third time.

Pursuant to the order of the day, the Dalhousie District Bill was read the third time.

On the question for passing the Bill,

Motion to re-commit bill.

In amendment, Mr. Kearnes, seconded by Mr. Norton, moves that the Bill do not now pass, but that it be recommitted for the purpose of striking out so much thereof as relates to the townships of Gloucester and Osgoode, in the District of Ottawa, and Marlborough and North Gower, in the District of Johnstown.

Division.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—16.

Messieurs *Dellor, Gowan, Jarvis, Kearnes, Manahan, McCrae, McDonell* of Stormont, *McIntosh, McLean, Murney, Norton, Richardson, Shaver, Sherwood, Thorburn, Woodruff*—16.

N A Y S.

Nays—14.

Messieurs *Bockus, Duncombe* of Norfolk, *Dunlop, Ferrie, Lewis, Malloch, Marks, McDonell* of Northumberland, *McKay, Morris, Parke, Robinson, Shade, Solicitor-General*—14.

Divided, majority 2, and bill committed.

The question was carried in the affirmative by a majority of two, and the House was put into a committee of the whole upon the Bill accordingly. Mr. McDonell (of Northumberland) in the Chair.

The House resumed.

Reported without amendment.

The chairman reported that the committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

The report was received.

On passing.

On the question for passing the Bill,

Amendment moved.

In amendment, Mr. Manahan, seconded, by Mr. Kearnes, moves that the Bill do not now pass, but that the following be added as a rider:—"Provided however, and be it further enacted by the authority aforesaid, That the assessments and revenues arising from the townships of Osgoode and Glou-

cester be annually paid to the Treasurer of the Ottawa District to the uses of the said District, until its population shall increase to 7500. Rider.

On which the Yeas and Nays were taken as follows :—

Division.

Y E A S.

Messieurs *Armstrong, Boulton, Cartwright, Cornwall, Duncombe of Norfolk, Dunlop, Ferrie, Gowan, Jarvis, Kearnes, Manahan, McCrae, McDonell of Northumberland, McDonell of Stormont, McKay, McLean, Murney, Morris, Richardson, Robinson, Shade, Sherwood, Solicitor General*—23. Yeas—23.

N A Y S.

Messieurs *Bockus, Deltor, Lewis, Malloch, Marks, McIntosh, Norton, Parke, Shaver, Woodruff*—10. Nays—10.

The question of amendment was carried in the affirmative by a majority of thirteen. Amendment carried, majority 13.

Pursuant to the order of the day, at twelve o'clock, noon, a committee on the subject of Banking was balloted for, and the undermentioned members were chosen :— Banking committee balloted for.

MESSIEURS CARTWRIGHT,
MARKS,
McKAY,
SHERWOOD,
SOLICITOR-GENERAL,
MORRIS,
THORBURN,
BOULTON, &
ROBINSON. Members chosen.

Pursuant to the order of the day, the Boundary Commissioners Bill was read the third time and passed. Boundary Commissioners bill read third time and passed.

Mr. Gowan, seconded by Mr. Morris, moves that the Bill be entitled— Title.
“*An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province.*”

Which was carried, and Messrs. Gowan and Morris were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council and to request their concurrence thereto.

Pursuant to the order of the day, the Bill to amend the Ejectment law was read the third time and passed. Bill to amend Ejectment Law read third time and passed.

Mr. Bockus, seconded by Mr. Murney, moves that the Bill be entitled— Title.
“*An Act to extend the provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, “An Act to repeal an ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty’s reign, entitled, ‘An Ordinance concerning land surveyors, and the admeasurement of lands’—and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty’s reign, entitled, ‘An Act to ascertain and establish on a permanent footing the boundary lines of the different townships in this Province’—and further to regulate the manner in which lands are hereafter to be surveyed.*”

Which was carried; and Messrs. Bockus and Morris were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Bill to regulate the costs of levying distresses was read the third time and passed. Bill to regulate Costs of levying Distresses read 3rd time and passed.

Mr. Cartwright, seconded by Mr. Solicitor General, moves that the Bill be entitled— Title.
“*An Act to regulate the costs of levying distresses for small rents and penalties.*”

Which was carried, and Messrs. Cartwright and Solicitor-General were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Rider to Dalhousie
District Bill read
3rd time.

Pursuant to the order of the day, the rider to the Dalhousie District Bill was read the third time.

On passing,

On the question for passing the Bill the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—24.

Messieurs *Armstrong, Bockus, Boulton, Cartwright, Cornwall, Dellar, Duncombe* of Norfolk, *Elliott, Gowan, Kearnes, Lewis, Malloch, Manahan, McDonell*, of Northumberland, *McDonell*, of Stormont, *McKay, McLean, Murney, Morris, Parke, Shade, Sherwood, Solicitor General, Woodruff*—24.

N A Y S.

Nays—4.

Messieurs *Jarvis, McIntosh, Norton, Shaver*—4.

Bill passed, majority 20.

The question was carried in the affirmative by a majority of twenty, and the Bill was passed,

Title.

Mr. McKay, seconded by Mr. Lewis, moves that the Bill be entitled—

“*An Act to erect certain townships now forming parts of the Districts of Bathurst, Johnstown, and Ottawa, into a separate District, to be called the District of Dalhousie; and also to form within the same the Counties of Lothian and Carleton, and for other purposes therein mentioned.*”

Which was carried, and Messrs. McKay and Lewis were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Petitions read.

Pursuant to the order of the day, the following petitions were read:—

W. Scollick and others.

Of William Scollick, J. P., and one hundred and one others, of the township of Waterloo, (Halton) praying to be incorporated into a company for the erection of a Bridge across the Grand River, in that township.

D. Boulton, Esq.

And of D'Arcy Boulton, Esq., of the City of Toronto, Her Majesty's Auditor-General of Land Patents, praying for an augmentation of his salary.

Hon. P. McGill and others.

Mr. Cartwright, seconded by Mr. McKay, moves that the petition of the Honorable Peter McGill be now read, and that the 41st rule of this House be dispensed with as far as relates to the same.

Petition of Hon. P. McGill and others referred.

Which was carried, and the petition of the Honourable Peter McGill and others, of the Constitutional Society of Montreal, praying the House to take into consideration the present state of the Canadas, was read.

200 copies to be printed.

On motion of Mr. Cartwright, seconded by Mr. McKay,

Ordered—That the petition of the Honourable Peter McGill be referred to the committee on the political state of the Provinces of Upper and Lower Canada, and that two hundred copies be printed for the use of members.

Motion to add 3 members to committee on state of Provinces.

Mr. Malloch, seconded by Mr. Bockus, moves that the committee on the state of the Provinces be increased by adding the names of Manahan, Marks, and Murney thereto.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—20.

Messieurs *Armstrong, Bockus, Cornwall, Dellar, Duncombe* of Norfolk, *Ferris, Kearnes, Lewis, Malloch, Manahan, Marks, McDonell*, of Northumberland, *McDonell*, of Stormont, *McKay, Murney, Norton, Parke, Shade, Shaver, Woodruff*—20.

N A Y S.

Nays—3.

Messieurs *Boulton, Cartwright, Jarvis*—3.

Carried, majority 17.

The question was carried in the affirmative by a majority of seventeen, and ordered accordingly.

On motion of Mr. Shade, seconded by Captain Dunlop,

Ordered—That the Petition of William Scollick, Esq., and others, of the Township of Waterloo, be referred to a Select Committee, to consist of Messrs. Ferrie, Caldwell, and Detlor, with power to report thereon by bill or otherwise.

Petitions referred.
Of W. Scollick and others.

On motion of Mr. Boulton, seconded by Mr. Ferrie,

Ordered—That the Petition of D'Arcy Boulton, Esquire, be referred to a Select Committee, to consist of Messrs. Sherwood and Cartwright, to report thereon by bill or otherwise.

Of D'Arcy Boulton, Esq.

On motion of Mr. McLean, seconded by Mr. Malloch,

Ordered—That the Petition of William Fraser be referred to a Committee, consisting of Messrs. Jarvis, McDonell, of *Stormont*, and Boulton, to report thereon by bill or otherwise.

Of W. Fraser.

On motion of Mr. Boulton, seconded by Mr. Solicitor-General,

Ordered—That an humble Address be presented to His Excellency, the Lieutenant-Governor, praying that he will be pleased to transmit to this House any census he may have received from the Clerk of the Peace of the District of Newcastle for the Town of Cobourg for the last year,—as also any census he may have received from the Clerk of the Peace of the District of Prince Edward for the Town of Picton;—and that Messrs. Bockus and McDonell of *Northumberland* be a Committee to draft and report the same; and that the 31st rule of this House be dispensed with so far as relates to the same.

Address to His Excellency for census of Cobourg and Picton—ordered.

Mr. McLean gives notice that he will, to-morrow, ask leave to bring in a bill to extend the provisions of an Act authorising the payment of Pensions to Militiamen disabled during the late war with the United States of America,—to include certain other applicants for pensions, with equal claims,—and to include the widows of certain officers of militia, whose husbands lost their lives during, and in consequence of, the late rebellion.

Notice of Bill to amend Militia Pension Act.

Mr. Bockus, from the Select Committee to which was referred the Petition of Calvin Pier, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Select committee on petition of C. Pier, report bill to amend Picton incorporation Act.

The Report was received, and the Bill was read the first time.

Bill read first time.

Ordered—That the Bill to amend the Act Incorporating the Villages of Hallowell and Picton be read a second time to-morrow.

2nd reading to-morrow.

Pursuant to the order of the day, the Bill to amend the law levying Fines for selling Spirituous Liquors without License was read the second time.

Bill to amend Spirituous Liquors license law read 2nd time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Detlor in the chair.

The House resumed.

The Chairman reported that the committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

Reported amended.

The report was received.

On the question for the third reading of the bill to-morrow, the yeas and nays were taken, as follows:—

On 3rd reading to-morrow.

Y E A S.

Messieurs *Boulton, Cartwright, Detlor, Kearnes, Manahan, McCrae, McDonell*, of Northumberland, *McKay, McLean, Murney, Robinson, Shade, Solicitor-General*—13.

Yeas—13.

N A Y S.

Messieurs *Bockus, Duncombe*, of Norfolk, *Dunlop, Gowan, Jarvis, Malloch, McDonell*, of Stormont, *Morris, Norton, Parke, Richardson, Shaver, Thorburn*—13.

Nays—13.

Carried by casting vote of Speaker.

The question was carried in the affirmative by the casting vote of the Speaker, and the Bill was ordered to be engrossed and read a third time to-morrow.

Select committee appointed on Deaf and Dumb Asylum.

Pursuant to notice, Mr. Gowan, seconded by Mr. Morris, moves, that a select committee be appointed to take into consideration the propriety of establishing an Asylum within this Province for the care and instruction of Deaf and Dumb,—that the said committee consist of Messrs. McLean, Shade, and Thorburn, with liberty to send for persons and papers, and to report to this House.

Which was carried.

Bill to regulate introduction of private bills brought in.

Pursuant to notice, Mr. Jarvis, seconded by Mr. McLean, moves for leave to bring in a Bill to regulate the manner of introducing private Bills, and to guard against the expenses incurred by the printing thereof.

Which was granted, and the Bill was read the first time.

On 2nd reading to-morrow.

On the question for the second reading of the Bill to-morrow,

Amendment moved.

In amendment, Mr. Richardson, seconded by Mr. Gowan, moves, that the Bill relating to private Bills be read a second time this day six months.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Nays—23

Messieurs *Armstrong, Bockus, Caldwell, Cornwall, Detlor, Duncombe* of Norfolk, *Dunlop, Gowan, Kearnes, Lewis, Malloch, Manahan, Marks, McDonell* of Northumberland, *McKay, McLean, Murney, Morris, Parke, Richardson, Robinson, Shade, Thorburn*—23.

N A Y S.

Yeas—4.

Messieurs *Cartwright, Jarvis, Norton, Solicitor-General*—4.

Carried, majority 19.

The question of amendment was carried in the affirmative by a majority of nineteen, and ordered accordingly.

Bill to amend Toronto Incorporation Act read second time and committed

Pursuant to the order of the day, the Bill to amend the Toronto Incorporation Act was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Richardson in the Chair.

The House resumed.

Reported without amendment.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The report was received.

3rd reading to-morrow.

Ordered--That the Bill be engrossed and read a third time to-morrow.

Machinery bill read second time and committed.

Pursuant to the order of the day, the Bill to protect persons against injury from machinery was read the second time.

The House was put into committee of the whole on the bill.

Mr. David Duncombe in the chair.

The House resumed.

Reported without amendment.

The Chairman reported that the committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Brockville Loan and Trust Company bill read second time and committed.

Pursuant to the order of the day, the Brockville Loan and Trust Company Bill was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Malloch in the Chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again to-morrow.

The report was 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 to postpone the sale of lands in arrear for taxes. Bill to postpone sale of lands for taxes again committed.

Mr. Marks in the chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House. Reported amended.

The report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Pursuant to the order of the day, the House was again put into a committee of the whole on the Bill to determine the authority of the Heir and Devisee Commissioners. Heir and Devisee Commissioners bill again committed.

Mr. Cartwright in the chair.

The House resumed.

The chairman reported that the committee had made some further progress in the bill, and asked leave to sit again to-morrow. Progress reported.

The Report was 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 Niagara Gaol Limits Extension Bill. Niagara Gaol Limits bill again committed.

Mr. Caldwell in the chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House. Reported amended.

The report was received.

On the question for the third reading of the Bill to-morrow,

In amendment, Mr. Robinson, seconded by Mr. Murney, moves that the Bill be read a third time this day three months. On 3rd reading to-morrow. Amendment.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Attorney General, Bockus, Boulton, Cartwright, Dellow, Ferrie, Kearnes, Lewis, Malloch, McLean, Murney, Robinson, Shade, Solicitor General*—14. Yeas—14.

N A Y S.

Messieurs *Caldwell, Cornwall, Dunlop, Gowan, Jarvis, Manahan, McDonell of Stormont, McKay, Morris, Richardson, Shaver, Thorburn*—12. Nays—12.

The question of amendment was carried in the affirmative by a majority of two, and ordered accordingly. Amendment carried, majority 2.

Adjourned.

Thursday, 11th January, 1838.

The House met.

The minutes of yesterday were read.

The following Petitions were severally brought up, and laid on the table:— Petitions brought up.

By Mr. Bockus, the petition of James Pierson and twenty-eight others, of the township of Hillier (Prince Edward)—the petition of Abraham Van Vleck Pruyn, of the town of Picton (Prince Edward)—and the petition of Robert C. Wilkins, J. P., and forty-four others, of the township of Hillier. J. Pierson and others.
A. V. V. Pruyn.
R. C. Wilkins and others.

G. C. Salmon, J. P.
and others.

By Mr. Shade, the petition of George C. Salmon, J. P., and two hundred and eighty-seven others, of the District of Talbot.

Henry Smith.

By Mr. Thomson, the petition of Henry Smith, Warden of the Provincial Penitentiary.

Binley and others.

And by Mr. Sherwood, the petition of Binley, and thirty others, students in the Upper Canada College.

Bill to amend Spirituous
Liquors License Law
read third time.

Pursuant to the order of the day, the Spirituous Liquors License Amendment Bill was read the third time.

On the question for passing the Bill,

Motion to re-commit bill
in to-morrow.

In amendment, Mr. Robinson, seconded by Mr. Cartwright, moves that the Bill do not now pass, but that it be re-committed to a Committee of the whole House on to-morrow.

Carried

Which was carried, and ordered.

Toronto Incorporation
amendment bill read
third time and passed.

Pursuant to the order of the day, the Bill to amend the Toronto Incorporation Act was read the third time and passed.

Title

Mr. Robinson, seconded by Mr. McLean, moves that the Bill be entitled,

"An Act to remove doubts respecting the Validity of the late Elections for the Aldermen and Common-Council-Men of the City of Toronto."

Which was carried, and Messrs. Robinson and McLean were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Machinery bill read third
time.

Pursuant to the order of the day, the Bill to protect persons against injury from Machinery was read the third time.

Blanks filled up.

Mr. Gowan, seconded by Mr. Sherwood, moves that the blanks in the 1st and 2nd clauses be filled up with the words "first," and "August."

On passing

Which was carried, and the blanks were filled up accordingly.

On the question for passing the bill, the yeas and nays were taken as follows :

Y E A S.

Yeas—16.

Messieurs *Duncombe* of Norfolk, *Ferrie*, *Gowan*, *Jarvis*, *Kearnes*, *Manahan*, *McDonell* of Stormont, *McLean*, *Morris*, *Richardson*, *Robinson*, *Shaver*, *Sherwood*, *Thomson*, *Thorburn*, *Woodruff*—16.

N A Y S.

Nays—11.

Messieurs *Bockus*, *Boulton*, *Caldwell*, *Cartwright*, *Cornwall*, *Lewis*, *Malloch*, *McCrae*, *McDonell* of Northumberland, *McIntosh*, *McKay*—11.

Carried, majority 5.

The question was carried in the affirmative by a majority of five, and the Bill was passed.

Mr. Gowan, seconded by Mr. Morris, moves, that the Bill be entitled—

Title.

"An Act to protect the public against injury from Mills, Machinery, &c., and for other purposes therein mentioned."

Which was carried, and Messrs. Gowan and Morris were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Bill to Postpone Sale of
Lands for Taxes read
3rd time and passed.

Pursuant to the order of the day, the Bill to postpone the sale of lands in arrear for taxes was read the third time and passed.

Mr. Cartwright, seconded by Mr. Boulton, moves, that the Bill be entitled—

Title.

"An Act to postpone the sale of lands in arrear for taxes, and to amend the law relative to the sale of such lands."

Which was carried, and Messrs. Cartwright and Boulton were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the following petitions were read:—

Petitions read.

Of J. Counter, and eight others, of the Town of Kingston, praying to be incorporated as a Marine Railway and Forwarding Company.

J. Counter and others.

And of John Adams, and fifty-seven others, of the Township of Oxford, District of Johnstown, praying that the Eastern Boundary of certain concessions in that township may be the governing one.

J. Adams and others.

On motion of Mr. Cartwright, seconded by Mr. Murney,

Petitions referred.

Ordered—That the petition of John Counter and others be referred to a select committee, consisting of Messrs. Murney and Marks, with power to report by Bill otherwise.

Of J. Counter and others

On motion of Mr. Norton, seconded by Mr. Cameron,

Ordered—That the petition of John Adams be referred to a select committee, to be composed of Messrs. Gowan and Morris, to report thereon by Bill or otherwise.

Of J. Adams.

Mr. Thomson gives notice that he will, on to-morrow, move for leave to bring in a bill for the better regulation of Statute Labour.

NOTICES:

Of Statute Labour Regulation Bill.

Mr. Sherwood gives notice that he will, on to-morrow, move for leave to bring in a bill to amend the Act authorising the establishment of a Court of Equity in this Province, so far as the same regulates the costs to be received.

Of Bill to amend Chancery Act.

Mr. Richardson gives notice that he will, on to-morrow, move for the appointment of a Committee of Finance.

Of Select Committee on Finance.

Mr. Gowan gives notice that he will, on to-morrow, move for leave to introduce a bill to amend an Act passed in the seventh year of the reign of his late Majesty, King William the Fourth, entitled—

“ *An Act to alter and amend an Act passed during the last Session of the Legislature, entitled, ‘ An Act granting to His Majesty a sum of Money for the Improvement of Roads and Bridges in the several Districts of this Province.’ ”*

Of Bill to amend Road Act.

Mr. Richardson gives notice that he will, on to-morrow, move an humble Address to His Excellency, the Lieutenant-Governor, praying for a Return of the Population for the Counties of Haldimand and Huron for 1837.

Of Address for Population Returns of Haldimand and Huron for 1837.

Mr. Bockus, from the Committee to draft and report an Address founded on the resolution of yesterday relative to the Census of the Towns of Cobourg and Picton, reported a draft, which was received and read twice, and ordered to be engrossed and read a third time this day.

Address for Census of Cobourg and Picton reported and read twice.

3rd reading to-day.

Mr. Boulton, from the Select Committee to which was referred the Petition of George Manners and others, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Select Committee on Petition of G. Manners and others report Bond Head Harbour Bill.

The Report was received, and the Bill was read the first time.

Bill read first time.

Ordered—That the Bond Head Harbour Company Bill be read a second time to-morrow.

2nd reading to-morrow.

Mr. Cartwright, from the Select Committee to which was referred the Petition of J. Counter and others, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Select Committee on Petition of J. Counter and others report Kingston Marine Railway Co. Bill.

The Report was received, and the Kingston Marine Railway Company Bill was read the first time.

Bill read first time.

On the question for the second reading of the bill to-morrow,

In amendment, Mr. Cartwright, seconded by Mr. Murney, moves that the Kingston Railway Bill be read a second time forthwith, and that the 40th rule of this House be dispensed with, as far as relates to the same.

Which was carried, and the Bill was read the second time.

The House was put into committee of the whole on the Bill.

Read 2nd time and committed.

Mr. Cameron in the Chair.

The House resumed.

Reported amended.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

The report was received.

3d reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Address for Census of Cobourg and Picton read third time and passed.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor, praying for the Census Returns of the Towns of Cobourg and Picton, was read the third time and passed, and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

Address.

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to transmit to this House any Census that may have been received by Your Excellency from the Clerk of the Peace for the District of Newcastle, for the Town of Cobourg, for the last year; as also any Census Your Excellency may have received from the Clerk of the Peace of the District of Prince Edward, for the Town of Picton, for the same period.

H. RUTTAN,
Speaker.

*Commons House of Assembly, }
11th January, 1838. }*

On motion of Mr. Boulton, seconded by Mr. Cartwright.

Ordered—That Messrs. Bockus and McDonell, *of Northumberland*, be a committee to wait on His Excellency the Lieutenant Governor to know when he will be pleased to receive the Address of this House on the subject of the Census for the Towns of Cobourg and Picton, and to present the same.

Bill to regulate Common Schools brought in.

Pursuant to notice, Mr. Thomson, seconded by Mr. Robinson, moves for leave to bring in a Bill for the regulation of Common Schools in this Province.

Which was granted, and the Bill was read the first time.

On the question for the second reading of the Bill to-morrow,

Bill referred to Select Committee.

In amendment, Mr. Thomson, seconded by Mr. Robinson, moves that the Bill be not read a second time to-morrow, but that it be referred to a select committee, and that Messrs. Marks, McKay, Detlor, Morris, Bockus, and Parke, do compose the same, with power to report by Bill, and that the twenty-ninth rule of this House be dispensed with as far as it relates to this motion.

Which was carried.

Bill to Protect Sheriffs and Bail brought in.

Pursuant to notice, Mr. Richardson, seconded by Mr. Morris, moves for leave to bring in a Bill to protect Sheriffs and bail for limits in certain cases.

Which was granted, and the Bill was read the first time.

On 2d reading to-morrow.

On the question for the second reading of the Bill to-morrow, the Yeas and Nays were taken as follows:—

Y F A S.

Yeas—19.

Messieurs *Bockus, Cornwall, Duncombe* of Norfolk, *Gowan, Jarvis, Kearnes, Manahan, Marks, McCrae, McDonell*, of Northumberland, *McDonell* of Stormont, *McLean, Parke, Richardson, Shade, Shaver, Thorburn, Woodruff*—19.

N A Y S.

Nays—8.

Messieurs *Boulton, Cameron, Dellor, Malloch, McIntosh, Norton, Robinson, Sherwood*—8.

The question was carried in the affirmative by a majority of eleven, and the Bill was ordered to be read a second time to-morrow. Carried, majority 11.

Pursuant to notice, Mr. Norton, seconded by Mr. Cameron, moves for leave to bring in a Bill to enable members to vacate their seats in certain cases. Bill to allow Members to vacate their Seats brought in.

Which was granted, and the Bill was read the first time.

Ordered—That the Bill be read a second time to-morrow. 2nd reading to-morrow.

Pursuant to the order of the day, the Bill to amend the Picton Incorporation Act was read the second time. Bill to amend Picton Incorporation Act read 2nd time and committed.

The House was put into Committee of the whole on the bill.

Mr. Woodruff in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Brockville Loan and Trust Company Bill. Brockville Loan and Trust Company Bill again committed.

Mr. Malloch in the Chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House. Reported amended.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to determine the authority of the Heir and Devisee Commissioners. Heir and Devisee Commissioners Bill again committed.

Mr. Cartwright in the chair.

The House resumed.

The Chairman reported that the Committee had made some further progress in the Bill and asked leave to sit again to-morrow. Progress reported.

The report was received, and leave granted accordingly.

The Master in Chancery had brought down from the Honourable the Legislative Council a Bill entitled, "An Act to provide for the more effectual and impartial trial of persons charged with Treason and Treasonable practices committed in this Province," to which that Honourable House had made some amendments, and requested the concurrence of this House thereto. Message from Legislative Council. Bill for trial of Treason sent down amended.

The Message was read by the Speaker as follows:—

Message.

MR. SPEAKER :

The Legislative Council has passed the Bill sent up from the Commons House of Assembly, entitled "An Act to continue the expiring Laws"—also the Bill entitled, "An Act to regulate the future erection of Gaols in this Province"—and also the Bill entitled, "An Act to amend the law with respect to the liability of the legal representatives of Joint Contractors, and of Defendants on Joint Judgments"—without any amendment. Bill to continue expiring laws, passed. Bill to regulate erection of Gaols, passed. Bill to amend executors' liability law, passed.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Eleventh day of January, 1838. }

The amendments made by the Honourable the Legislative Council, in and to the Bill sent up from this House, entitled, "An Act to provide for the more effectual and impartial trial of persons charged with Amendments to bill for trial of Treason, read first time.

Treason and Treasonable practices, committed in this Province—were read the first time as follows:—

Amendments.

Press 3, Line 8.—Expunge “July,” and insert “January.”

“ “ “ “ After “next,” insert “and from thence until the end of the next ensuing Session of Parliament.”

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Eleventh day of January, 1838. }

On the question for the second reading of the amendments to-morrow, In amendment, Mr. Attorney General, seconded by Mr. Murney, moves that the amendments of the Honourable the Legislative Council be read a second time this day, and that the 40th rule of this House be dispensed with so far as relates to the same.

Amendments read 2nd time and committed.

Which was carried, and the amendments were read the second time.

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

Mr. Morris in the chair.

The House resumed.

The chairman reported that the committee had agreed to the amendments, and submitted them for the adoption of the House.

The report was received.

Read 3rd time and passed.

The amendments were read the third time and passed.

Messrs. Attorney-General and Murney were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the amendments.

Speaker reports communication from Mr. Secretary Joseph, stating that His Excellency will come down to Legislative Council to-morrow to assent to Bills.

Mr. Speaker reported having received a communication from Mr. Secretary Joseph, stating that His Excellency the Lieutenant Governor would come down to the Legislative Council Chamber, to-morrow, at 4 o'clock, P. M., for the purpose of assenting to such Bills as have passed both Houses of the Legislature.

Adjourned.

Friday, 12th January, 1838.

The House met.

The minutes of yesterday were read.

Kingston Marine Railway Bill read 3rd time and passed.

Pursuant to the order of the day, the Kingston Marine Railway Company Bill was read the third time and passed.

Mr. Cartwright, seconded by Mr. Murney, moves that the bill be entitled—

Title.

“*An Act to incorporate sundry Persons under the name of the Kingston Marine Railway Company.*”

Which was carried; and Messrs. Cartwright and Murney were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Bill to amend Picton Incorporation Act read third time and passed.

Pursuant to the order of the day, the bill to amend the Picton Incorporation Act was read the third time and passed.

Mr. Bockus, seconded by Mr. Armstrong, moves that the bill be entitled—

Title.

“*An Act to amend an Act entitled ‘An Act to Incorporate the Villages of Hallowell and Picton, by the name of the Town of Picton, and establish a Police therein.’*”

Which was carried; and Messrs. Bockus and Armstrong were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Brockville Loan and Trust Company Bill was read the third time.

Brockville Loan and Trust Company Bill read third time.

On the question for passing the Bill,

In amendment, Mr. Sherwood, seconded by Mr. Ferrie, moves that it do not now pass, but that it be recommitted to a Committee of the whole House to-morrow.

Motion to re-commit bill to-morrow.

Which was carried.

Carried.

The Master in Chancery brought down from the Honourable the Legislative Council the bill entitled, "*An Act to prevent the training of persons to the use of arms, and to the practice of military evolutions and exercises, and to authorise Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace*"—to which that Honourable House had made some amendments, and requested the concurrence of this House thereto.

Bill to prevent Training sent down amended by Legislative Council.

The amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, entitled, "*An Act to prevent the training of persons to the use of arms, and to the practice of military evolutions and exercises, and to authorise Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace*,"—were read the first time, as follows:—

Amendments to Training prevention Bill read first time.

In the Title—After "the" insert "unlawful."
In the Bill—Expunge the eleventh clause.

Amendments.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Eleventh day of January, 1838. }

On the question for the second reading of the amendments to-morrow, In amendment, Mr. Boulton, seconded by Mr. Sherwood, moves that the amendments of the Honourable the Legislative Council to the Bill for preventing the training of persons with arms be read a second time forthwith, and that the 40th rule of this House be dispensed with for that purpose.

Which was carried, and the amendments were read the second time. The House was put into committee of the whole on the Bill.

Amendments read second time and committed.

Mr. Richardson in the chair.

The Speaker resumed the chair on a question of order.

Question of Order.

The Speaker left the chair.

The Chairman resumed the chair of committee.

The Speaker resumed the chair, Black Rod being at the door.

Black Rod

The Speaker left the chair.

The Chairman resumed the chair of committee.

The House resumed.

The Chairman reported that the committee had agreed to the amendments, with some amendments, and submitted them for the adoption of the House.

Amendments reported amended.

The report was received.

On the question for the third reading of the amendments to-morrow,

In amendment, Mr. Boulton, seconded by Mr. Cartwright, moves, that the amendments to the amendments of the Legislative Council be engrossed and read a third time this day.

3rd reading to-day.

Which was carried and ordered.

The Speaker reported that the Master in Chancery had brought down from the Honourable the Legislative Council the Bill entitled, "*An Act for indemnifying persons who, since the 2nd December, 1837, have acted*"

Bill to indemnify persons for apprehending those suspected of Treason sent down amended by Legislative Council.

in apprehending, imprisoning, or detaining in custody, persons suspected of High Treason, or Treasonable practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned"—to which that Honourable House had made some amendments, and requested the concurrence of this House thereto.

Amendments read first time

The amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, entitled, "An Act for indemnifying persons who, since the 2nd December, 1837, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of High Treason or Treasonable practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned"—were read the third time as follows:—

Amendments

Press 1—Line 1.—After "Whereas," expunge the remainder of the preamble, and insert—"a late armed insurrection of certain subjects of Her Majesty in this Province, with intent to subvert the Government, and to plunder and destroy the property of the loyal inhabitants, has been happily subdued, but not until the insurgents had committed acts of murder, robbery, and arson, and had occasioned much alarm for the peace and security of the Province: And whereas immediately before, and during, the said insurrection, and in consequence thereof, it became necessary for Justices of the Peace, Officers of the Militia, and other persons in authority in this Province, and for divers loyal subjects of Her Majesty, to take all possible measures for apprehending, securing, detaining, and bringing to justice, persons charged or suspected of joining in the said insurrection, or of aiding or abetting the same, or of other treasonable practices, dangerous to the peace of this Province and the security of its Government, and also for the purpose of defeating and putting down the said insurrection, and for maintaining the peace of this Province and securing the lives and properties of the inhabitants thereof:—And whereas some of such acts may not have been strictly legal and formal, but it is nevertheless just and necessary that the persons doing or advising the same should be kept harmless and indemnified against actions at law, or other proceedings with which they might otherwise be harrassed"—

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

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

JOHN B. ROBINSON,
Speaker.

*Legislative Council Chamber, }
Twelfth day of Jan'y, 1838. }*

On the question for the second reading of the amendments to-morrow.

In amendment, Mr. Cartwright, seconded by Mr. Caldwell, moves, that the amendments of the Honourable the Legislative Council be read a second time forthwith, and that the 40th rule of this House be dispensed with for that purpose.

Amendments read second time and committed

Which was carried, and the amendments were read the second time.

The House was put into committee of the whole on the amendments.

Mr. McLean in the chair.

The House resumed.

The chairman reported that the committee had agreed to the amendments, and submitted them for the adoption of the House.

The report was received.

On the question for the third reading of the amendments to-morrow,

In amendment, Mr. Cartwright, seconded by Mr. Caldwell, moves that the amendments of the Honourable the Legislative Council to the Bill to indemnify certain persons be now concurred in.

Amendments concurred in.

Which was carried, and the amendments were concurred in.

Messrs. Cartwright and Boulton were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the amendments.

Pursuant to the order of the day, the amendments made by this House in and to the amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, entitled, "An Act to prevent the training of persons to the use of arms, and to the practice of military evolutions and exercises, and to authorise Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace"—were read the third time.

Amendments to Training prevention Bill, as amended, read third time.

On the question for passing the amendments,

In amendment, Mr. Norton, seconded by Mr. Parke, moves, that the amendments to the Bill do not now pass, but that the same be referred to a committee of the whole House this day three months.

Motion to re-commit Amendments this day three months.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *McDonell*, of Stormont, *McIntosh*, *Norton*, *Parke*, *Shaver*, *Thorburn*—6.

Yeas—6.

N A Y S.

Messieurs *Armstrong*, *Attorney-General*, *Bockus*, *Boulton*, *Burwell*, *Caldwell*, *Cartwright*, *Cornwall*, *Detlor*, *Dunlop*, *Elliott*, *Ferrie*, *Jarvis*, *Kearnes*, *Lewis*, *Malloch*, *Manahan*, *Marks*, *McCrae*, *McDonell*, of Northumberland, *McKay*, *McLean*, *Richardson*, *Robinson*, *Shade*, *Sherwood*, *Solicitor-General*, *Thomson*, *Woodruff*—29.

Nays—29.

The question of amendment was decided in the negative by a majority of twenty-three, and the amendments were passed.

Lost, majority 23, and amendments passed.

Messrs. Cartwright and Boulton were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to acquaint that Honourable House that this House had made some further amendments to their amendments, and to request their concurrence to the same.

Mr. Solicitor-General gives notice that he will, to-morrow, move for leave to bring in a Bill for the more speedy attainder of persons indicted for High Treason, who have fled from this province, or remain concealed therein to escape from justice.

NOTICES:

Of Bill for more speedy attainder of absconding rebels.

Mr. Cartwright gives notice that he will, on to-morrow, move for leave to bring in a Bill to enable ministers and congregations to hold lands in a corporate capacity, under certain restrictions.

Of Bill to enable congregations to hold lands.

Mr. Detlor, from the Select Committee to which was referred the 'Township Officers' Act, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Select Committee on Township Officers' Act, report bill to amend the Act.

The Report was received, and the Bill was read the first time.

Ordered—That the Bill to amend the Township Officers' Act be read a second time to-morrow.

2nd reading to-morrow.

On motion of Mr. Detlor, seconded by Mr. Thomson,

Ordered—That 100 copies of the Bill now read be printed for the use of members.

Bill to be printed.

Pursuant to notice, Mr. Solicitor General, seconded by Mr. Richardson, moves for leave to bring in a Bill for extending the remedies of creditors against the property of debtors, and for abolishing imprisonment for debt except in cases of fraud.

Bill to abolish imprisonment for debt.

Which was granted, and the Bill was read the first time.

Ordered—That the Bill be read a second time to-morrow.

2nd reading to-morrow.

On motion of Mr. Solicitor General, seconded by Mr. Boulton,

Ordered—That 300 copies of the Bill for the abolition of imprisonment for debt except in cases of fraud, be printed for the use of members.

300 copies of Bill to be printed.

Spirituos Liquor Licence
Bill again committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Spirituous Liquors License Amendment Bill.

Mr. Thorburn in the chair.

The House resumed.

Committee rises.

The Chairman reported that the Committee had risen.

On receiving report.

On the question for receiving the Report, the Yeas and Nays were taken as follows :—

Y E A S.

Yeas—3.

Messieurs *Bockus, Manahan, and Richardson*—3.

N A Y S.

Nays—28.

Messieurs *Armstrong, Boulton, Burwell, Caldwell, Cartwright, Cornwall, Deltor, Ferric, Jarvis, Lewis, Malloch, Marks, McCrae, McDonell*, of Northumberland, *McIntosh, McKay, McLean, Murney, Norton, Parke, Robinson, Shade, Shaver, Sherwood, Solicitor General, Thomson, Thorburn, Woodruff*—28.

Lost, majority 25, and
committee resumes.

The question was decided in the negative by a majority of twenty-five, and the Committee resumed.

Mr. Thorburn in the chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again to-morrow.

The report was received, and leave granted accordingly.

On motion of Mr. Richardson, seconded by Mr. Marks,

Bill referred to Select
Committee.

Ordered—That the Spirituous Liquors Licence Amendment Bill be referred to a Select Committee, to be composed of Messrs. Lewis, Bockus, Thorburn, and Kearnes, to report thereon.

Motion to add members
to Committee.

Mr. Deltor, seconded by Mr. Armstrong, moves that the name of Bockus be struck out, and that the names of Robinson, Sherwood, and Cartwright be added,—and that the 29th rule of this House be dispensed with as far as relates to the same.

Division.

On which the Yeas and Nays were taken, as follows :—

Y E A S.

Yeas—16

Messieurs *Armstrong, Bockus, Boulton, Burwell, Cornwall, Deltor, Ferric, Malloch, Marks, McDonell*, of Northumberland, *McKay, McLean, Murney, Shade, Solicitor-General, Thomson*—16.

N A Y S.

Nays—11.

Messieurs *Gowan, Lewis, Manahan, McCrae, McDonell*, of Stormont, *McIntosh, Norton, Parke, Richardson, Shaver, Thorburn*—11.

Carried, majority 5.

The question was carried in the affirmative by a majority of five, and ordered accordingly.

Mr. Secretary Joseph brought down from His Excellency, the Lieutenant-Governor, a Message, and several documents.

The Message was read by the Speaker, as follows :—

F. B. HEAD.

Message from His
Excellency respecting
number of Militia, &c. in
Arms, and also respecting
the burning of the
Caroline.

In reply to the Address of the Commons House of Assembly, of the 8th of January instant, the Lieutenant-Governor has to acquaint the House that he has no information of any persons being at present in arms in this Province against the laws and Constitution, or of any person having been so in arms since the total dispersion of the traitorous assemblage in the Home District and District of London in the beginning of last month, except any individuals that may be found with the force on Navy Island.

The number of Militiamen, Volunteers, and others, to whom arms have been issued since the commencement of the Rebellion, is reported to the Lieutenant-Governor to be about Six Thousand.

It is difficult for the Lieutenant-Governor to state, with any degree of accuracy, what number of Militia and Volunteers are now embodied, and their several stations—since the ardour to join in the defence of their country is constantly impelling individuals and bodies of men to the Frontier, who do not await the orders of the Government;—neither is it practicable to give precise information as to their stations, from the peculiar circumstances in which this Province is at present placed. Many of the subjects of a foreign nation with which we are at peace seem to have thrown off all regard for treaties, and all control of their own Government and laws, and are threatening in several quarters to commence a war of plunder and aggression upon our people, such as has been unknown for ages among civilized nations. The necessity of preparing to meet these threatened attacks at various points, occasions the distribution of our Militia force to be fluctuating and uncertain, and occasions also many men to be suddenly called out and embodied in remote Districts by the respective Colonels of Regiments, before any communication can be had with Head-Quarters.

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

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

The documents were read by the Clerk, as follows:—

COPY OF A DESPATCH from His Excellency, Sir FRANCIS B. HEAD, Bart., Lieutenant-Governor of Upper Canada, to His Excellency, HENRY S. FOX, Her Majesty's Minister at Washington.

Documents accompanying His Excellency's Message.

Toronto, Upper Canada, 8th January, 1838.

SIR,

I have the honour to enclose you the copy of a Special Message, sent by His Excellency, Governor Marcy, to the Legislature of the State of New-York, in relation to a matter on which Your Excellency will desire the earliest and most authentic information. The Message only reached this place yesterday, and I lose no time in communicating with Your Excellency on the subject.

The Governor of the State of New York complains of the cutting out and burning of the Steam-boat *Caroline*, by order of Col. McNab, commanding Her Majesty's Forces at Chippewa, in the Province of Upper Canada, and of the destruction of the lives of some American Citizens, who were on board of the Boat at the time she was attacked.

The act complained of was done under the following circumstances:—

In Upper Canada, which contains a population of about 450,000 souls, the most perfect tranquillity prevailed up to the 4th day of December last, although in the adjoining Province of Lower Canada, many of the French Canadian inhabitants had been in open rebellion against the Government for about a month preceding.

At no time since the treaty of peace with the United States, in 1815, had Upper Canada been more undisturbed. The real causes of the insurrection in Lower Canada, namely, the national antipathy of the French inhabitants, did not in any degree apply in the Upper Province, whose population, like the British and American inhabitants of Lower Canada, were wholly opposed to the revolt, and anxious to render every service in their power in support of the Queen's authority. It had been reported to the Government, some time before the 4th of December, that in a remote portion of the Home District, a number of persons occasionally met and drilled, with arms, under leaders known to be disaffected, but it was not believed by the Government that any thing more could be intended than to make a show of threatened revolt, in order to create a diversion in favor of the rebels in Lower Canada. The feeling of loyalty throughout this Province was known to be so prevalent and decided, that it was not thought unsafe to forbear, for the time at least, to take any notice of the proceedings of this party.

On the night of the 4th December, the inhabitants of the City of Toronto were alarmed by the intelligence that about five hundred persons, armed with rifles, were approaching the city—that they had murdered a gentleman of great respectability in the highway, and had made several persons prisoners. The inhabitants rushed immediately to arms—there were no soldiers in the Province, and no militia had been called out. The Home District, from which this party of armed men came, contains 60,000 inhabitants—the City of Toronto 10,000. In a few hours a respectable force, although undisciplined, was collected and armed in self-defence, and awaited the

Documents accompanying His Excellency's Message.

threatened attack. It seems now to admit of no doubt, that if they had at once advanced against the insurgents, they would have met with no formidable resistance, but it was thought more prudent to wait until a sufficient force should be collected, to put the success of an attack beyond question. In the mean time, people poured in from all quarters to oppose the insurgents, who obtained no increase of numbers, but on the contrary, were deserted by many of their body, in consequence of the acts of devastation and plunder into which their leader had forced them.

On the 7th of December, an overwhelming force of militia went against them, and dispersed them without losing a man—taking many prisoners, who were instantly released by my order, and suffered to depart to their homes. The rest, with their leaders, fled—some have since surrendered themselves to justice—many have been taken, and some have escaped from the Province.

It was reported about this time, that in the District of London a similar disposition to rise had been observed, and in consequence, a militia force of about 400 men was sent into that District, where it was speedily joined by three times as many of the inhabitants of the District, who assembled voluntarily and came to their aid with the greatest alacrity. It was discovered that about three hundred persons, under Dr. Duncombe, an American by birth, were assembled, with arms; but before the militia could reach them, they dispersed themselves and fled—of these, by far the greater number came in immediately and submitted themselves to the Government, declaring that they had been misled and deceived, and praying for forgiveness.

In about a week, perfect tranquility was restored, and from that moment not a man has been seen in arms against the Government in any part of the Province, with the exception of the hostile aggression upon Navy Island, which I shall presently notice—nor has there been the slightest resistance offered to the execution of legal process, in a single instance.

After the dispersion of the armed insurgents, near Toronto, Mr. Mackenzie, their leader, escaped in disguise to the Niagara River, and crossed over to Buffalo. Reports had been spread there, and elsewhere along the American frontier, that Toronto had been burnt, and that the rebels were completely successful; but the falsehood of these absurd rumours was well known before Mackenzie arrived on the American side. It was known also that the ridiculous attempt of four hundred men to revolutionize a country containing nearly half a million of inhabitants, had been put down by the people instantly and decidedly, without the loss of a man.

Nevertheless, a number of American Citizens in Buffalo, and other towns on the frontier of the State of New-York, enlisted as Soldiers, with the avowed object of invading Canada, and establishing a Provisional Government. Public meetings were held to forward this design of invading a country with which the United States were at peace. Volunteers were called for, and arms, ammunition, and provisions, were supplied by contributions openly made. All this was in direct and flagrant violation of the express laws of the United States, as well as of the law of Nations.

The civil authority of Buffalo offered some slight shew of resistance to the movement, being urged to interpose by many of the most respectable citizens, but no real impediment was offered; and on the 13th of December, some hundreds of the citizens of the State of New-York, as an armed body, under the command of Mr. Van Rensselaer, an American citizen, openly invaded and took possession of Navy Island, a part of Upper Canada, situate on the River Niagara. Not believing that such an outrage would really be committed, no force whatever was assembled at the time to counteract this hostile movement.

In a very short time this lawless band obtained from some of the Arsenals of the State of New-York, clandestinely as it is said, several pieces of artillery and other arms, which in broad day light were openly transported to Navy Island, without resistance from the American authorities. The people of Buffalo and the adjacent country continued to supply them with stores of various kinds, and additional men listed in their ranks. In a few days their force was variously stated from five to fifteen hundred, of whom a small proportion were rebels, who had fled from Upper Canada. They began to entrench themselves, and threatened that they would, in a short time, make a landing on the Canadian side of the Niagara River.

To prevent this and keep them in check, a body of Militia was hastily collected and stationed on the frontier, under the command of Colonel Cameron, Assistant Adjutant General of Militia, who was succeeded in this command by Colonel MacNab, the Speaker of the House of Assembly, an officer whose humanity and discretion, as well as his activity, have been proved by his conduct in putting down the insurrection in the London District; and have been acknowledged in warm terms of gratitude by the misguided persons who had surrendered themselves into his hands. He received orders to act on the defensive only, and to be careful not to do any act which the American Government could justly complain of as a breach of neutrality.

An official statement of the unfriendly proceedings at Buffalo was without delay (on the 13th December,) made by me to His Excellency the Governor of the State of New York,—and after this open invasion of our territory, and when it became evident that nothing was effected at Buffalo for preventing the violation of neutrality, a special Messenger was sent to Your Excellency at Washington, to urge your interposition in the matter. Sufficient time has not yet elapsed to admit of his return. Soon after his departure, this band of outlaws on Navy Island—acting in defiance of the laws and government of both countries—opened a fire, from several pieces of ordnance, upon the Canadian shore, which in this part is thickly settled: the distance from the Island being about six hundred yards, and within sight of the populous Village of Chippewa. They put several balls (six pound shot) through a house, in which a party of Militia-men were quartered, and which is the dwelling-house of Captain Usher, a respectable inhabitant. They killed a horse on which a man at the time was riding, but happily did no further mischief, though

they fired also repeatedly with cannon and musquetry upon our boats. They continued daily to render their position more formidable—receiving constant supplies of men and warlike stores from the State of New York, which were chiefly embarked at a landing-place on the American main shore, called Fort Schlosser, nearly opposite to Navy Island. This place was once, I believe, a military position before the conquest of Canada from the French; but there is now neither Fort nor Village there, but merely a single house, occupied as a tavern, and wharf in front of it, to which boats and vessels are moored. The tavern has been, during these lawless proceedings, a rendezvous for the band, who cannot be called by any name more appropriate than pirates; and was, in fact, openly and notoriously resorted to as their head quarters on the main land, and is to this time. On the 28th December, positive information was given to Colonel MacNab, by persons from Buffalo, that a small steam-boat, called the *Caroline*, of about fifty tons burthen, had been hired by the pirates, who call themselves "Patriots," and was to be employed in carrying down cannon and other stores, and in transporting men and any thing else that might be required between Fort Schlosser and Navy Island.

He resolved if she came down, and engaged in this service, to take or destroy her. She did come down, agreeably to the information he received. She transported a piece of artillery and other stores to the Island, and made repeated passages during the day between the Island and the main shore. In the night he sent a party of Militia, in boats, with orders to take or destroy her. They proceeded to execute the order. They found the *Caroline* moored to the wharf, opposite to the inn, at Fort Schlosser. In the inn there was a guard of armed men to protect her, part of the pirate force, or acting in their support. On her deck there was an armed party, and a sentinel who demanded the countersign. Thus identified as she was with the force which, in defiance of the Law of Nations and every principle of natural justice, had invaded Upper Canada, and made war upon its unoffending inhabitants, she was boarded—and, after a resistance, in which some desperate wounds were inflicted upon the assailants, she was carried.

If any peaceable citizens of the United States perished in the conflict, it was and is unknown to the captors; and it was and is equally unknown to them whether any such were there. Before this vessel was thus taken, not a gun had been fired by the force under the orders of Colonel MacNab, even upon this gang of pirates—much less upon any peaceable citizen of the United States. It must, therefore, have been a consciousness of the guilty service she was engaged in that led those who were employing her to think an armed guard necessary for her defence. Peaceable citizens of the United States were not likely to be found in a vessel so employed at such a place, and in such a juncture; and, if they were there, their presence, especially unknown as it was to the captors, could not prevent, in law or reason, this necessary act of self-defence. Fifteen days had elapsed since the invasion of Upper Canada by a force enlisted, armed, and equipped openly in the State of New-York. The country where this outrage upon the Law of Nations was committed is populous. Buffalo alone contains 15,000 inhabitants. The public authorities, it is true, gave no countenance to those flagrant acts; but they did not prevent them, or in the slightest degree obstruct them, farther than by issuing Proclamations, which were disregarded. Perhaps they could not; but in either case, the insult and injury to the inhabitants of Canada were the same, and their right to defend themselves equally unquestionable.

No wanton injury was committed by the party who gallantly effected this service. They loosed the vessel from the wharf, and finding they could not tow her against the rapid current of the Niagara, they abandoned the effort to secure her, set her on fire, and let her drift down the stream.

The prisoners taken were a man who, it will be seen by the documents accompanying this Despatch, avowed himself to be a subject of Her Majesty, inhabiting Upper Canada, who had lately been traitorously in arms in that Province, and having fled to the United States was then on board for the purpose of going to the camp at Navy Island; and a boy, who being born in Lower Canada, was probably residing in the United States, and who, being afraid to land from the boat, in consequence of the firing kept up by the guard on the shore, was placed in one of the boats under Captain Drew, and taken over to our side, from whence he was sent home the next day, by the Falls Ferry, with money given him to bear his expenses.

I send with this letter—1st. A copy of my first communication to His Excellency Governor Marcy, to which no reply has reached me.

2nd. The official reports, correspondence, and Militia general order, respecting the destruction of the *Caroline*, with other documents.

3rd. The correspondence between Commissary General Arcularius, of the State of New York, respecting the Artillery belonging to the Government of the State of New York, which has been and is still used in making war upon this Province.

4th. Other correspondence arising out of the present state of things on the Niagara frontier.

5th. The special Message of Governor Marcy.

It will be seen from these documents that a high officer of the Government of the State of New York, has been sent by His Excellency the Governor, for the express purpose of regaining possession of the Artillery of that State, which is now employed in hostile aggressions upon this portion of Her Majesty's dominions, and that being aided and favored as he acknowledges by the most friendly co-operation which the Commanding Officer of Her Majesty's Forces could give him, he has been successfully defied by this Army of American Citizens, and has abandoned the object of his mission in despair.

It can hardly fail to be also observed by Your Excellency, that in the course of this negotiation between Mr. Van Rensselaer and the Commissary General of the State of New York, this

Documents accompany-
ing His Excellency's
Message.

individual, Mr. Van Rensselaer, has not hesitated to place himself within the immediate jurisdiction of the Government whose laws he had violated, and in direct personal communication with the Officer of that Government, and has, nevertheless been allowed to return unmolested, to continue in command of American Citizens engaged in open hostilities against Great Britain.

The exact position then of affairs on our frontier may be thus described :

An Army of American citizens, joined to a very few traitors from Upper Canada, and under the command of a subject of the United States, has been raised and equipped in the State of New York, against the laws of the United States and the treaties now subsisting, and are using artillery, plundered from the arsenals of the State of New York, in carrying on this piratical warfare against a friendly Country.

The Officers and Government of the United States, and of the State of New York, have attempted to arrest these proceedings, and to control their citizens, but they have failed. Although this piratical assemblage are thus defying the civil authorities of both Countries, Upper Canada alone is the object of their hostilities. The Government of the United States has failed to enforce its authority by any means, Civil or Military ; and the single question, if it be a question, is whether Upper Canada was bound to refrain from necessary acts of self-defence against a people whom their own Government either could not, or would not control.

In perusing the Message of His Excellency Governor Marcy to the Legislature of the State of New York, Your Excellency will probably feel some degree of surprise, that after three weeks' continued hostilities carried on by the citizens of New York, against the people of Upper Canada, His Excellency seems to have considered himself not called upon to make this aggression the subject of remark for any other purpose than to complain of a solitary act of self-defence on the part of Her Majesty's Province of Upper Canada, to which such unprovoked hostilities have unavoidably led.

I have, &c.

(Signed) F. B. HEAD.

His Excellency HENRY S. FOX,
Her Majesty's Minister, Washington.

A true copy.

J. JOSEPH.

Copy of a Letter from H. W. ROGERS, Esquire, District Attorney of the County of Erie, to the Honorable Colonel MACNAB, Commanding Her Majesty's Forces at Chippewa.

BUFFALO, December 29th, 1837.

SIR,

Our City has been thrown into commotion this morning, by a report that certain forces under your command had, within the last twelve hours, landed upon Grand Island, within the territory of the United States. I have no confidence in the report, and believe it utterly without foundation ; but to quell the apprehensions of our citizens, I have pledged myself, as an acting Officer of the Government, to take every possible means to ascertain the truth of the report, and to prevent such an occurrence. In the absence of the Marshal, I have commissioned Judge McLean of this City, to wait on you immediately, and to make you acquainted with the present attitude of affairs. The Judge will bear this to you, and upon his statements and representations you can rely with the most perfect confidence. Be assured Sir, that the public authorities upon this frontier, will put forth every effort to restrain our citizens, and to maintain a strict neutrality.

With great consideration,

I am your obedient humble Servant,

(Signed)

H. W. ROGERS,
District Attorney.

To COLONEL A. N. MACNAB,
Commanding Her Majesty's Forces at Chippewa.

A true Copy.

J. JOSEPH.

Reply of Colonel MACNAB, to H. W. ROGERS, Esquire.

HEAD QUARTERS, CHIPPEWA,
29th December, 1837.

SIR,

I have the honour to acknowledge the receipt of your letter of this morning, just handed to me by the Honorable Mr. Justice McLean.

With respect to the report in the City of Buffalo, that certain forces under my command had landed upon Grand Island—an Island within the territory of the United States—I can assure you, that it is entirely without foundation, and that so far from my having any intention of the kind, such a proceeding would be in direct opposition to the wishes and instructions of Her Britannic Majesty's Government in this Colony, whose servant I have the honor to be.

Entering at once into the feelings which induced you to address me upon this subject, I beg leave to call your attention to the following facts—that so far from occupying, or intending to occupy, that, or any other portion of the American Country, aggressions of a most serious and hostile nature have been made upon the forces under my command from that Island.—Two affidavits are now before me, stating that a volley of musquetry from Grand Island was yesterday fired upon a party of unarmed persons, some of whom were females, without the slightest provocation having been offered. That on the same day, one of my boats, manned by British Subjects, passing along the American shore, and without any cause being given, was fired upon from the American side near Fort Schlosser, by cannon, the property, I am told, of the United States.

Documents accompanying His Excellency's Message.

I have also before me most positive information, that a steam-boat called the *Caroline*, was sold to the pirates who have joined the rebels on Navy Island, and loaded with provisions and munitions of war, not only within your Country, but immediately under the notice of the authorities of the United States, and of the citizens of Buffalo, whom you state to have been thrown into commotion by the report mentioned in your communication, and that these stores and munitions had been forwarded to Navy Island, for the use and assistance of the band of pirates assembled there, for the avowed purpose of invading and plundering the Country, and dividing Her Britannic Majesty's lands amongst their deluded followers.

I have the honor to be, Sir,
With the highest consideration,
Your obedient humble Servant,

A. N. MACNAB,

Colonel Commanding Her Majesty's Forces on the Niagara Frontier.

To H. W. ROGERS, Esquire, *District Attorney,*
&c. &c. &c.

A true Copy,
J. JOSEPH.

Copy of a Letter from the Honourable A. N. MACNAB, Colonel Commanding, to Lieutenant Colonel JAMES M. STRACHAN, Military Secretary.

HEAD QUARTERS, CHIPPEWA,
December 30th, 1837.

Saturday Morning, three o'clock.

SIR,

I have the honour to report, for the information of His Excellency the Lieutenant Governor, that having received positive information that the pirates and rebels at Navy Island had purchased a Steam-Boat called the *Caroline*, to facilitate their intended invasion of this Country, and being confirmed in my information yesterday, by the boat (which sailed under British colours) appearing at the Island, I determined upon cutting her out; and having sent Captain Drew, of the Royal Navy, he, in the most gallant manner, with a crew of Volunteers (whose names I shall hereafter mention) performed this dangerous service, which was handsomely effected. In consequence of the heavy current it was found to be impossible to get the vessel over to this place, and it was therefore necessary to set her on fire. Her colours are now in my possession.

I have, &c.

(Signed) A. N. MACNAB,
Colonel Commanding.

P. S. We have two or three wounded, and the pirates about the same number killed.

(Signed) A. N. MACNAB.

A true Copy.

J. JOSEPH.

Copy of a Letter from the Honourable A. N. MACNAB, to Colonel STRACHAN.

HEAD QUARTERS, CHIPPEWA,
January 1st, 1838.

Sir,

I have the honor to enclose to you, for the information of His Excellency the Lieutenant Governor, the report of Captain Drew, R. N., of the capture and destruction, by fire, of the Piratical Steamer *Caroline*, whilst engaged in the service of the rebels at Navy Island.

The report of that gallant Officer, His Excellency will observe, is written with that modesty which always distinguishes the accounts of a brave man of his own valor, but I beg to assure His Excellency, that it was a most daring and spirited action, and for which I feel most grateful to Capt. Drew, and the brave fellows under his command, who so nobly volunteered to perform this desperate service.

Documents accompanying His Excellency's Message

I shall take an early opportunity to forward to His Excellency the names of the party under Captain Drew, that the Country may know every actor in this gallant affair.

It affords me the greatest satisfaction to state, that Captain McCormack, although severely wounded, is in a fair way of recovery. Captain Arnold's wounds will, I trust, soon be healed. Captain Warren (late of the 66th,) is doing duty as usual.

I have, &c.

(Signed) ALLAN N. MACNAB,
Colonel Commanding.

To COLONEL STRACHAN,
Military Secretary, &c. &c.

A true Copy.

J. JOSEPH.

Copy of Letter from Captain DREW, Commander, Royal Navy, to the Honourable ALLAN N. MACNAB, Colonel Commanding Her Majesty's Forces.

HEAD QUARTERS, CHIPPEWA,
30th December, 1837.

SIR,

I have the honour to inform you, that, in obedience to your commands to burn, sink, or destroy the piratical steam-vessel which had been plying between Navy Island and the American shore the whole of yesterday, I ordered a look-out to be kept upon her; and about five, P. M. of yesterday, when the day had closed in, Mr. Harris, of the Royal Navy, reported the vessel to me, as having moved off Navy Island. I immediately directed five boats to be armed and manned with forty-five volunteers, and, at about eleven o'clock, P. M., we pushed off from the shore for Navy Island, when, not finding her there as expected, we went in search, and found her moored between an island and the main shore.

I then assembled the boats off the point of the island, and dropped quietly down upon the steamer. We were not discovered until within twenty yards of her, when the sentry upon the gangway hailed us, and asked for the countersign, which I told him we would give when we got on board: he then fired upon us, when we immediately boarded, and found from twenty to thirty men upon her decks, who were easily overcome, and in two minutes she was in our possession. As the current was running strong, and our position close to the Falls of Niagara, I deemed it most prudent to burn the vessel; but, previously to setting her on fire, we took the precaution to loose her from her moorings, and turn her out into the stream, to prevent the possibility of the destruction of any thing like American property. In short, all those on board the steamer, who did not resist, were quietly put on shore, as I thought it possible there might be some American citizens on board. Those who assailed us were of course dealt with according to the usages of war.

I cannot speak too highly of the conduct of the officers and men who accompanied me: their coolness and bravery shows what may be expected from them when their Country requires their services. When all behaved so well, it would be invidious in me to particularize any one; but I may be excused for mentioning the gallant conduct of Lieutenant Shepherd McCormack, of the Royal Navy, who nobly seconded me, and had to encounter several of the pirates in the fore part of the vessel, by which, I regret to say, he has received five desperate wounds; we have also two others wounded, and I regret to add that five or six of the enemy were killed. A return of our wounded I beg to subjoin.

I have, &c.

(Signed) ANDREW DREW,
Commander, Royal Navy.

P.S.—I beg to add, that we brought one prisoner away, a British subject, in consequence of his acknowledging that he had belonged to Duncombe's army, and was on board the Steamer to join Mackenzie, upon Navy Island.

(Signed) ANDREW DREW.

Return of the Wounded.

Lieutenant Shepherd McCormack,Desperately.
Captain Warren,Slightly.
John Arnold,Severely.

(Signed) ANDREW DREW.

A true Copy.

J. JOSEPH.

(Copy.)

Niagara, 1st January, 1838.

Documents accompanying His Excellency's Message.

SIR,
The Lieutenant-Governor, on his arrival here, has this moment received your despatch of this day, enclosing to His Excellency the Report, by Captain Drew, R. N., of the capture and destruction of the piratical steamer Caroline, whilst engaged in the service of the rebels on Navy Island.

His Excellency desires me to express to you his unqualified approbation of this proceeding, and he desires that you will convey to Captain Drew, to Lieutenant McCormack, and to the other brave volunteers who accompanied him, his thanks for the important service they have rendered this Province, and which His Excellency will lose no time in making known to Her Majesty's Government.

I have, &c.

(Signed)

J. M. STRACHAN,

Military Secretary.

Colonel the Honourable ALLAN N. MACNAB.

A true Copy.

J. JOSEPH.

(Copy.)

GENERAL ORDER.

HEAD QUARTERS, CHIPPEWA,

3rd January, 1838.

Colonel MACNAB has great satisfaction in announcing to the Forces under his command, that the destruction of the steam-boat Caroline, in the employment of the pirates on Navy Island, which was effected in a manner so highly creditable to the gallant Volunteers from the Naval Brigade and Troops, on the night of the 29th December, 1837, has met with the unqualified approbation of His Excellency, the Lieutenant-Governor, and that His Excellency desires to express to Captain Drew, and to the brave Volunteers who accompanied him, his thanks for the important service they have rendered this Province, and which His Excellency will lose no time in making known to Her Majesty's Government.

(Signed)

K. CAMERON,

Assistant Adjutant-General.

A true Copy.

J. JOSEPH.

The following are the Affidavits referred to in Colonel MACNAB's Correspondence.

UPPER CANADA, }
District of Niagara, } SILVANUS FEARNs WRIGLEY, late of the Township of Dumfries, in the
to wit : } District of Gore, labourer, deposes and saith, that he is a British subject ;
that he enlisted with Charles Duncombe, and joined him in the London
District ; that after Duncombe's men were dispersed he went with Alfred Luce, another of
Duncombe's men, down to Chippewa, and crossed the Niagara river to join the patriots ; that he
was on board the Steam-Boat Caroline with the said Alfred Luce, on their way to Navy Island,
at the same time she was captured ; that he believes said Luce was killed in the engagement ;
that he understood the boat to be the property of the patriots ; that on the same day she was
captured she had taken a six-pounder to the Island from Fort Schlosser, on the American shore,
with provisions and other necessaries for Mackenzie's army : that the flag they had on board
was a British flag ; that deponent saw the cannon put on board ; that the cannon, as he understood,
was the property of the United States—and that when the boats approached the Steam-Boat a
rifle was fired at them from the Steam-Boat ; that he then ran forward to the front of the Steam-
Boat, when he was made a prisoner.

(Signed)

SILVANUS FEARNs WRIGLEY.

The only fire-locks deponent saw on board were muskets and rifles.

(Signed)

SILVANUS FEARNs WRIGLEY.

Sworn before me, at Chippewa, }
this 30th December, 1837. }

(Signed)

W. H. MERRITT, J. P.

A true Copy.

J. JOSEPH.

Documents accompanying His Excellency's Message.

(Copy.)

UPPER CANADA, } GEO. NOLOP, of the village of Brantford, in the District of Gore, yeoman,
District of Niagara, } deposes and saith, that he is a British Subject; that on the twenty-eighth of
to wit: } this present month he went over on business to the United States; that on
arriving at Fort Schlosser in the said United States, he was taken prisoner by a body of armed
men, who said they were citizens of the United States; that he was put under guard and
detained about twenty-four hours; that he, this deponent, repeatedly applied to be liberated, but
was told by the guard that they would not let any damned tory go; that whilst he was a prisoner
at Fort Schlosser he saw a six-pounder belonging, as his guard informed him, to the United States,
taken from the Fort, put on board the Steam-boat Caroline, and taken to Navy Island; that while
he was prisoner he heard the men belonging to the boat state that the boat belonged to the patriots,
and that she was to be employed in taking stores, guns, and other necessaries to Navy Island, for
the use of the patriot army; that while deponent was a prisoner some armed men came up to the
tavern where he was and said, that the tories had got the boat; that the men turned out and fired
upon the persons they called tories; that deponent heard from his guard, that there were about
thirty armed men on board the boat; that during the confusion he made his escape; that when
the men of the boat went down to man her they marched in regular order; that in the guard-room
in the tavern where he was confined, there was a cask filled with six pound shot, and two casks of
grape and canister—and the men belonging to the Steam-Boat said, that said shot had been taken
out of the Arsenal at Buffalo, and was to be sent to the patriots; that one of the crew told the
deponent after the Steam-Boat had been taken, that he was sentry on the deck when the attack
was made, and demanded the countersign several times from the attacking party, but they did not
give it.

(Signed) GEORGE NOLOP.

Sworn before me, at Chippewa, }
this 30th day of December, 1837. }

(Signed) GEO. RYKERT, J. P.

A true Copy.

J. JOSEPH.

(Copy.)

UPPER CANADA, } LUKE WALKER, of the City of Buffalo, in the State of New York, in the
District of Niagara, } United States of America, labourer, maketh oath and saith, that he was on
to wit: } board the Steam-Boat Caroline last night when she was captured; that
there was about thirty armed men on board; that the said boat, as he understood, was the property
of the Patriots, on Navy Island; she had been employed during the day in taking provisions and
stores to the Island; that deponent was in the cabin lying down, when he heard the watch on deck
cry out "Hurra, boys! here comes the enemy!" that he heard the Captain say to the men—
"Sleep well to night, for we shall have hard work to-morrow; there are many gentlemen coming
from Rochester, and we shall have to take them over."

(Signed) LUKE ^{his} WALKER.
mark.

Sworn before me at Chippewa, first having }
been fully read and explained to him, }

this 30th December, 1837.

(Signed) W. HAMILTON MERRITT, J. P.

A true Copy.

J. JOSEPH.

(Copy.)

UPPER CANADA, } JAMES HOOD, late of the City of Buffalo, in the State of New York,
District of Niagara, } mariner, but now of the Village of Chippewa, in the Province of Upper
to wit: } Canada, maketh oath and saith, that he was at Buffalo when the Steamer
Caroline was cut out of the ice; he saw the men working at her, and in his opinion, the numbers
employed could not be much less than one thousand; that it was generally understood that they
were volunteers, working for Mackenzie and the Patriots, on Navy Island; and it was the
common talk of the Town that the Caroline was intended for the use of the Patriots on the
Island; that he, this Deponent, saw on board of the said Boat, when she left, muskets, swords
and flour; that he asked Captain Appleby, who commanded the Boat, where she was going, and
that Appleby said to Dunkirk, which is forty-five miles above Buffalo; that Deponent replied,
that he believed the Dunkirk he meant would be in another direction, meaning Navy Island; that
the Captain then smiled and made no reply; Deponent further saith, that he has heard many rich
people in Buffalo say, that if the Patriots would fight, they would find them.

(Signed) JAMES HOOD.

Sworn before me, at Chippewa, in the District }
of Niagara, this 8th January, 1838. }

(Signed) WARNER NELLIS, J. P.

A true Copy.

J. JOSEPH.

(Copy.)

Documents accompany-
ing His Excellency's
Message.

DISTRICT OF NIAGARA, } ANDREW DREW, of the Village of Woodstock, in the District of
to wit: } London, Esquire, Commander in the Royal Navy, deposes and saith,
that on the night of the Twenty-ninth of December last, he proceeded, by direction of Colonel
Allan Napier MacNab, Commanding Her Majesty's Forces on the Niagara Frontier, to take
possession of the Steam-Boat Caroline, and that deponent did take possession of her accordingly ;
that he immediately gave orders for her to be cast off from the wharf to which she was moored,
and to be set on fire ; that previously to her being cast off from the wharf the cabin below was
searched, and the colours brought from it ; that there was a man found lying in the cabin on
deck, severely wounded, and that he was carefully lifted on to the wharf before the vessel was
unmoored ; that one fire was made in the cabin abaft, and another below in the forepart of the
vessel where the machinery was, and where a quantity of cordwood was piled together, which
was lighted from the coals of the fire-place ; that full ten minutes elapsed before the fire started
into a blaze, and that one of deponent's own men was there the whole time kindling the fire ; that
deponent does not believe any living being was on board the Caroline after his party left her, and
that it was impossible to suppose any person would have remained there knowing that a fire was
lighting to burn the vessel ; that deponent was the last person who left the vessel, except one,
and that man stepped into the boat immediately after him—and that deponent does not believe
that any person on board the Caroline jumped or was thrown overboard.

(Signed)

ANDREW DREW,
Commander, Royal Navy.

Sworn before me, at Chippewa, this }
10th day of January, 1838. }

(Signed) JAMES CUMMINGS, J. P.

*Copy of a Letter from the Honorable A. N. MACNAB, Colonel Commanding, to Lieutenant
Colonel STRACHAN.*

HEAD QUARTERS, CHIPPEWA,
2nd January, 1838.

SIR,

I beg leave to report that I have just been called upon by Mr. Smith, one of the
Deputy Marshalls of the State of New York, and Collector of Customs for the Port of Manchester,
with a letter from Henry Arcularius, Esquire, Commissary General of Military Stores for the
State of New York, which, with my reply, I have the honour to enclose.

I have, &c.

(Signed) ALLAN N. MACNAB,
Colonel Commanding.

Lt. Colonel STRACHAN, &c. &c. &c.

A true Copy.

J. JOSEPH.

*Copy of a Letter from General ARCULARIUS, Commissary General of the State of New
York, to the Honourable Colonel A. N. MACNAB.*

STATE OF NEW YORK, NIAGARA FALLS,
January 2nd 1838.

SIR,

Having just arrived in this part of the State of New York, pursuant to the commands of
the Governor of the State, (a copy of which I have the honor herewith to enclose) I would
most respectfully solicit from you the suspension of an attack of the assemblage now lodged on
Navy Island, bordering this frontier, until I can demand the surrender of any and all the
arms, ordnance, and ordnance-stores, belonging to the people of this State, of which this
assemblage have obtained the clandestine possession ; and permission to withdraw the same, if they
shall be given up. The application will be made immediately, and without any delay on my part,
or the part of those Citizens to whom the communication is addressed.

I have, &c.

(Signed) HENRY ARCULARIUS,
Com'y Gen. Military Stores, State of New York.

A true copy.

J. JOSEPH.

Documents accompanying
His Excellency's
Message

Copy of a Letter from His Excellency WILLIAM L. MARCY, Governor of the State of New York, to General J. Gould, of Rochester, Judge Hunt, of Lockport, His Honor J. Trowbridge, Mayor of Buffalo, and others.

ALBANY, DECEMBER 29th, 1837.

To General J. Gould, of Rochester, Judge Hunt of Lockport, His Honor J. Trowbridge, Mayor of Buffalo, and others.

GENTLEMEN,

Permit me to introduce to you, respectively, the bearer hereof, General Arcularius, the Commissary General of this State. Understanding from various persons that some of the pieces of ordnance, and other Military property belonging to the State, and situate in the western part of it, had been taken from those who had the custody of them, and carried beyond our Territorial limits, I have directed the Commissary General to visit that section of the State, for the purpose of ascertaining the truth of these reports, and to take proper measures to reclaim such portion of the public property as may have been taken away, and to place it in a safe condition.

I shall be much obliged to you for any aid or information that you shall have it in your power to afford him.

I have, &c.

W. L. MARCY.

A true Copy.

J. JOSEPH.

Copy of a reply from the Honourable A. N. MACNAB, to Commissary General ARCULARIUS.

HEAD QUARTERS, CHIPPEWA,
2nd January, 1838.

SIR,

I have this moment had the honour to receive your communication of this day, in which you solicit the suspension of an attack on the assemblage now lodged on Navy Island, until you can demand the surrender of any and all the arms, ordnance and ordnance-stores, belonging to the people of the State of New York, of which the assemblage have obtained the clandestine possession, with permission to withdraw the same if they shall be given up; and assuring me that the above application will be made immediately, and without any delay on your part, or on the part of those citizens to whom the communication is addressed.

As the above application evinces a noble desire on the part of the State of New York, sincerely to co-operate with the Government of Her Britannic Majesty, in maintaining the laws of Nations, against the atrocious attack of a band of pirates, who have equally insulted the American as well as the British authorities, by plundering their property, and by openly setting their laws at defiance—I lose no time in assuring you, that having been directed cordially to co-operate with the authorities, as well as with the citizens of the United States, in maintaining the treaty which happily exists between them and the British Empire, and to do every thing in my power to avoid if possible the effusion of human blood, I shall have great pleasure in suspending my attack on the pirates on Navy Island; and will cheerfully consent, on the part of Her Majesty's Government, that any arms or property they may have stolen from your Government, or from your citizens, may be withdrawn by you from the Island, for the purpose of being immediately restored to their rightful owners.

Relying upon receiving from you the earliest possible notice of the result of your laudable exertions, and trusting that the same good feeling which has determined your Government to deprive these people of the arms of the United States, which you acknowledge they have clandestinely possessed themselves of, will induce you to prevent them from receiving from your shores, any further assistance or supplies.

I have, &c.

(Signed)

ALLAN N. MACNAB,

Colonel Commanding Her Majesty's Forces,
on the Niagara Frontier.

To Commissary General HENRY ARCULARIUS, Esq.
&c. &c. &c.

A true Copy.

J. JOSEPH.

(Copy.)

HEAD QUARTERS, CHIPPEWA,
7th January, 1838.

SIR,

I have the honour to enclose, for the information of His Excellency the Lieutenant Governor, copies of communications which I yesterday received from Commissary General Arcularius.

I also enclose a copy of a printed letter, from Judge McLean, of Buffalo, in order that His Excellency may be in full possession of every thing that has transpired here.

Documents accompanying His Excellency's Message.

After a careful perusal of the whole, I would respectfully call the attention of His Excellency to the situation in which the forces under my command are placed.

I have, &c.

(Signed)

ALLAN N. MACNAB,
Colonel Commanding.

I send a paper containing Governor Marcy's Message to the Legislature on the subject of the Caroline.

Lieutenant Colonel STRACHAN,
Military Secretary.

A true Copy.

J. JOSEPH.

(Copy.)

STATE OF NEW YORK, NIAGARA FALLS,
January 5th, 1838.

Colonel ALLAN N. MACNAB, Commanding Her Majesty's Forces on the Niagara Frontier.

SIR,

Enclosed I send you a copy of a letter received this morning from Van Rensselaer, that you may the better appreciate the embarrassing situation in which I am placed.

From the first moment after my arrival on this frontier down to the present time, I have sedulously endeavoured to accomplish the purposes of my mission, by every pacific, mild, and moderate measure which my own, or the ingenuity and wisdom of my advisers could suggest, and all without the slightest success.

For your kind and generous forbearance and courtesy, during the pendency of our negotiations, I tender you my grateful acknowledgments.

I can ask for nothing more at your hands; and if the poor deluded beings who have encamped on Navy Island are slain, their blood be upon their own head, not mine.

I have, &c.

(Signed)

HENRY ARCULARIUS,
Commissary General.

A true Copy.

J. JOSEPH.

HEAD QUARTERS, NAVY ISLAND,
4th January, 1838.

HENRY ARCULARIUS, Esquire, Commissary General of the State of New-York.

SIR,

When I accepted the command of the forces now on this Island, I found them in possession of ordnance and arms, some of which I believe were considered as donations from private individuals, others as loans, to be returned whenever the object which called us together might be accomplished. Since then many additions have been made upon the same terms, as I understand it; but my vocations have been so manifold it has not been in my power to know in all cases to whom we have been obliged for the articles in question.

Since I had the honour to receive your communication of the 2nd instant, however, I have consulted the provisional Government, and am to make the necessary inquiries to ascertain whether any of the property on the Island belongs to the people of the State of New-York, the earliest leisure opportunity; and, if such shall be the case, I am to take the necessary steps to put them in a position where they may be reclaimed, when I will communicate with you again.

I have, &c.

(Signed)

RENSS. VAN RENNSELAER,
Commanding, &c.

A true Copy.

J. JOSEPH.

Documents accompanying His Excellency's Message.

Copy of a Letter from the Honourable JOHN ELMSLEY, Lieutenant, Royal Navy, to the Honourable Colonel A. N. MACNAB.

CHIPPEWA,
29th December, 1837, Eight, A. M.

SIR,

I have the honour to inform you, that I have just returned from the neighbourhood of Navy Island, to which point I proceeded at day-break, with my spy-glass, to inspect the position of the rebel forces.

Soon after my arrival there, I perceived our eight-oared gig just rounding the northern extremity of Navy Island. She had been all round the Island, and was fired at from all parts of it, with round shot, grape and canister, and musketry.

On our coming abreast of Fort Schlosser, I distinctly saw two discharges of heavy ordnance from a point on the main shore, on the American side, not far from that Fort.

As soon as our boat had passed, the firing ceased.

I have deemed it no more than my duty to call your attention to this fact, to the truth of which I am prepared to make affidavit whenever called upon.

I have the honour to be, &c.

(Signed)

J. ELMSLEY,

Lieutenant, R. N.

Honourable Colonel A. N. MACNAB, &c. &c. &c.

A true Copy.

J. JOSEPH.

Copy of a Letter from WILLIAM LOCKWOOD, Esquire, First Lieutenant of the Saint Catherine's Troop of Cavalry, to the Honourable Colonel A. N. MACNAB, &c. &c. &c.

SIR,

I have the honour to inform you, that this morning at eight o'clock, about twenty men appeared on Grand Island, (two miles below Black Creek,) constructing a bridge across a ravine, and when they saw a party of men on the Canada shore, watching their movements, they fired a volley of musketry towards them; after having completed their work, they left two men on the bridge, and retired towards the lower part of the Island.

I have, &c.

(Signed)

WILLIAM LOCKWOOD,

First Lieutenant of the St. Catharines Troop of Cavalry.

Honourable Colonel A. N. MACNAB,

Commander-in-Chief of the Forces in Upper Canada.

A true Copy.

J. JOSEPH.

(Copy.)

SPECIAL MESSAGE.

TO THE LEGISLATURE:

I received last evening, after my annual message was prepared, information of an occurrence, which I hasten to communicate to you.

The territory of this State has been invaded, and some of our citizens murdered, by an armed force from the Province of Upper Canada.

By the documents accompanying this communication it will be perceived, that the Steam-Boat Caroline, owned by one of our citizens, while lying at Schlosser, on the Niagara River, within the limits of this State, on the night of the 29th December last, was forcibly seized by a party of seventy or eighty armed men in boats, which came from and returned to the Canadian shore. The crew and the other persons in this Steam-Boat, amounting to thirty-three, were suddenly attacked at midnight, after they had retired to repose, and probably more than one-third of them wantonly massacred. The boat was detached from the wharf to which it had been secured—set on fire—taken into the middle of the river, and by the force of its current carried over the Niagara Falls.

Twelve of the persons who were on board of it are missing, and there is ground to fear they were killed by the invaders in their attack upon it, or perished in its descent over the cataract. Of those who escaped from the boat one was killed on the wharf, and several others were wounded.

I am warranted in assuring you, that the authorities not only of this State, but of the United States, have felt an anxious solicitude to maintain the relations of peace and strict neutrality with the British Provinces of Upper and Lower Canada at all times since the commencement of the Civil disturbances therein; and have in all respects done what was incumbent upon them to do to sustain these relations. The occurrence to which I have alluded is an outrage that has not

been provoked by any act done or duty neglected by the Government of this State or of the Union. If it should appear that this Boat was intended to be used for the purpose of keeping up an intercourse between this State and Navy Island, which is now held by an assemblage of persons in defiance of the Canadian Government, this circumstance would furnish no justification for the hostile invasion of our territory, and the destruction of the lives of our citizens. The General Government is entrusted with the maintenance of our foreign relations, and will undoubtedly take the necessary steps to redress the wrong and sustain the honour of the country.

Documents accompany-
ing His Excellency's
Message.

Though I have received no official information of the fact, I have good reason to believe that the local authorities of this State have taken prompt and efficient means, not only to protect our soil from foreign invasion, but to repress any retaliative measures of aggression which our citizens, under the impulse of deeply excited and indignant feelings, might rashly resolve to adopt.

The patriotic Militia in the vicinity of the scene of the outrage, have obeyed with alacrity the call which has been made upon them for these purposes.

It will, probably, be necessary for this State to keep up a military force for the protection of our citizens, and the maintenance of peace, until an opportunity is given to the General Government to interpose with its power. In that event, I apprehend that it will be necessary for you to provide by law for the payment and maintenance of such forces as the occasion may require.

I shall doubtless, within a short time, receive official information of what the local authorities have done, and shall be better enabled to form an opinion of what will be necessary on the part of the State, to preserve our rights and the public tranquillity. I shall then communicate further with you on the subject, and suggest such matters in relation to it as may require your consideration.

(Signed) W. L. MARCY.

Albany, January 2nd, 1838.

A true Copy.

J. JOSEPH.

(Copy.)

GOVERNMENT HOUSE,
13th December, 1837.

SIR,

Your Excellency has doubtless received intelligence, though not of an authentic character, of an insurrectionary movement which within the last few days has been made in this Province, and which the loyal feeling of the great mass of Her Majesty's Subjects has enabled me promptly to suppress. Though an occurrence of this particular nature in a country immediately adjoining the State under Your Excellency's Government, must naturally excite a considerable degree of interest, I might not have felt myself called upon to communicate with Your Excellency upon the subject, if I had not received an official report from the Magistracy of the District of Niagara, that efforts are made, by calling public meetings in Buffalo, to procure countenance and support among the inhabitants of that City to the efforts of the disaffected in Upper Canada.

I am perfectly persuaded that, under any circumstances, the public authorities in the United States would exert themselves to strengthen rather than to disturb the kind feeling which has for so many years united the natives of Great Britain and the United States in the most amicable relations; and when I acquaint Your Excellency that the armed party of traitors which are now dispersed, during the few days that they remained embodied, were guilty of such unprovoked and wanton acts of murder, arson, and robbery as disgusted their adherents, and occasioned their rapid desertion, I feel no doubt, that whatever may be justly done by the Government of one friendly and enlightened Nation towards restraining its subjects from disturbing the peace and injuring the unoffending inhabitants of another, may confidently be expected from Your Excellency.

It is fit I should apprise Your Excellency that there is not at this moment, to my knowledge, within the whole extent of Upper Canada, a single body of men assembled with arms, or otherwise, in opposition to the Government. Before the 5th December, there had been about five or six hundred men hastily got together, at the instigation of a Mr. Mackenzie, the editor of a seditious newspaper here, but these have been wholly dispersed, and their leader we understand is now in Buffalo, endeavouring to excite there a support which he fails to meet with in this Province.

I have, &c.

(Signed) F. B. HEAD.

To His Excellency GOVERNOR MARCY,
State of New York, Albany.

A true Copy.

J. JOSEPH.

Documents accompanying His Excellency's Message

(Copy.)

STATE OF NEW YORK, EXECUTIVE DEPARTMENT,
Albany, 21st December, 1837.

His Excellency SIR FRANCIS B. HEAD, *Lieutenant Governor, &c. &c.*

SIR,

I have received your communication, dated 16th December, giving me information of the movements of certain persons at Buffalo, or its vicinity, having relation to the disturbances in Her Britannic Majesty's Province of Upper Canada. You are aware, I presume, that the federal Government is solely intrusted with the maintenance of our foreign and exterior relations, and there is very little that the State Governments can do on the subject, but co-operate with it in sustaining its character of neutrality. This, I, as Chief Magistrate of New York, shall most cheerfully do. Before your communication was received I had prepared the accompanying proclamation, which has since been issued to the Sheriffs of the frontier counties, with directions to give it general publicity. I was also apprised, before I received your letter, that the general Government were acting with vigour on the subject, and that the Marshal of the Western District of New York had been ordered to repair to Buffalo, and cause such persons as were guilty of violating the laws of the United States, enacted to preserve its relations of amity and neutrality with foreign Powers, to be arrested, for the purpose of being brought to punishment.

I have the honour to be,

Your Excellency's obedient Servant,

W. L. MARCY.

A true Copy.

J. JOSEPH.

(Copy.)

P R O C L A M A T I O N .

By WILLIAM L. MARCY, *Governor of the State of New York.*

WHEREAS information has been received, that an armed body of men has assembled at or near the city of Buffalo, with the avowed intention of taking part in the disturbances which prevail in the neighbouring Province of Upper Canada, and that similar movements are to be apprehended in other parts of the State adjoining the Province of Lower Canada: And whereas, any attempt to set on foot such military expeditions or enterprises is in direct violation of the laws of the land, and of the relations of amity subsisting between the Kingdom of Great Britain and the United States: I do hereby call upon the persons who may be assembled, or who may design to assemble as aforesaid, to desist from their unlawful proceedings, and upon the citizens of this State to co-operate with the Officers and Magistrates of the United States, in their efforts to suppress all such violations of law, and to bring the offenders to punishment. I do also enjoin upon the good people of this State, to abstain from all illegal interference with the domestic concerns of the said Provinces; and they are hereby cautioned not to allow their feelings of sympathy for those, who, for political causes, have fled from other countries and taken refuge in our own, to mislead them into any infraction of the laws, or of those principles of neutrality which it is the duty of the Government to maintain, in relation to the dissensions, whether external or domestic, of Foreign States.

[L. S.]

Given under my Hand, and the Great Seal of the State, at Albany,
this nineteenth day of December, one thousand eight hundred
and thirty-seven.

(Signed)

W. L. MARCY.

By the Governor.

(Signed)

JOHN A. DIX,

Secretary of State.

A true Copy.

J. JOSEPH.

COPY OF A DESPATCH, from His Excellency SIR FRANCIS B. HEAD, *Bart., Lieutenant Governor of Upper Canada,* to His Excellency HENRY S. FOX, *Her Majesty's Minister at Washington.*

GOVERNMENT HOUSE,
Toronto, 23rd December, 1837.

Sir,

It is my duty to lose no time in apprising your Excellency, that the peace and security of this Province are at this moment threatened, and its territory is actually invaded by a large band of American citizens from Buffalo, who have taken up arms, and established themselves in a hostile manner on Navy Island, in the Niagara River, and within the territory of Upper Canada.

Your Excellency has no doubt learned from the public papers, that in consequence of the insurrection unhappily commenced in Lower Canada, but which, I have reason to believe, is now

Jan. 12, 1838.]

1st Queen Victoria.

effectually suppressed, an attempt, as rash and hopeless as it was wicked, was lately made by three or four hundred persons in this vicinity, to involve this Province also in the miseries of a civil war. In concert with this movement, an endeavour was also made to excite the people in another District to take up arms against the Government. Both these attempts were promptly and effectually suppressed by the loyal Militia of this Province, unaided by any Military force.— Most of the deluded persons who were engaged in these rash and criminal enterprises have surrendered themselves when taken prisoners; but the principal leader, William Lyon Mackenzie, and some of the most active of his followers, succeeded, with great difficulty, in making their escape to the adjoining State of New York. It was soon reported to me, that at Buffalo, to which place these traitors fled, strong symptoms were shewn by numbers of American citizens, of an inclination to aid them with men and arms, and to supply them with other necessaries, in order to enable them to make a hostile invasion of this Province.

Documents accompany
ing His Excellency's
Message.

That the public authorities in Buffalo, and the more respectable of the inhabitants, to discountenance such proceedings, I had no doubt, and their conduct since has justified that expectation; but as it was doubtful how far they might be able promptly to control this ebullition of hostile feeling towards a Nation with which the United States held the strictest relations of amity and peace, I immediately addressed an official letter to His Excellency Governor Marcy, at Albany, of which a copy is herewith sent. No reply to this has yet reached me, nor do I know what steps, if any, have been taken on the part of the American Government, at Buffalo, to repress this hostile rising of their people.

Since that letter was written, Mackenzie has been joined by some hundreds of American citizens from Buffalo, and the adjacent villages, and have established themselves on Navy Island, as I have before mentioned, with artillery and arms procured in the United States.

The Paper printed at Buffalo, which I send you, will shew the spirit in which this movement is urged forward.

I am, of course, taking all possible measures to repel invasion and insult, and I believe that in a few days a considerable Military force will be at hand to sustain our gallant Militia in this extraordinary and unlooked-for conflict. I need not remark to Your Excellency, how unfair and unjust it is, that a Rebellion which, within this Province, was so insignificant that it was instantly crushed by the civil inhabitants of the Colony, should be revived and rendered formidable by the direct and active management of the American people; and that during the existence, not only of peace, but of the most friendly relations between Great Britain and the Government of the United States, the peaceful population of this Province should be threatened with devastation and plunder, and all the miseries of civil war, by the unjustifiable interference of American citizens.

Though inhabiting a remote portion of the British dominions, the people of Upper Canada feel that they may rest assured of being ultimately protected by the whole force of the Empire, if it be necessary: they are conscious also, that they deserve kinder offices at the hands of the American people; and I appeal to you, in their name, and as the Representative of their Sovereign, to urge upon the Government of the United States, the immediate exertion of Military force to suppress a movement of their people so insulting to and injurious to a neighbouring Nation: and which, whatever temporary calamity it may inflict, must inevitably, unless promptly checked, lead to a violent war. Any wrongs which may be committed against the people of this Colony, will, under the protection of a just Providence, be amply redressed.

I beg Your Excellency will not fail to assure the American Government of my sincere conviction, that the facts of which I complain, will certainly meet with their most unqualified reprobation.

I have, &c.

(Signed)

F. B. HEAD.

A true Copy.

J. JOSEPH.

(Copy.)

HEAD QUARTERS, CHIPPEWA,
10th January, 1838.

SIR,

I have the honour to enclose to you herewith, copies of reports furnished to me by Officers under my command, in relation to the manner in which the Militia and Citizens of the United States preserved that neutrality which you called upon them to observe between British Subjects and the rebels and pirates assembled upon Navy Island.

The outrage committed by the Militia of the United States, stationed upon Grand Island, upon Lieutenant Elmsley of the Royal Navy, and the Boat's Crew under his command, is of such a character as calls for immediate investigation by the authorities of the United States; and I trust, from the disposition you have heretofore manifested to maintain inviolate the existing treaties between Great Britain and the United States, that you will immediately investigate this serious charge, and I beg to request that you will be pleased to communicate the result of your investigation to me, with the least possible delay.

You must, I am sure, feel the necessity of withdrawing from Grand Island the Militia placed

Documents accompanying His Excellency's Message.

there, and who have been guilty of so wanton and wicked an attempt to take the lives of unoffending persons, and of placing men in their stead, upon whose honour and discretion reliance can be placed.

I have the honour to be,

Sir,

Your obed't humble Servant,

(Signed) ALLAN N. MACNAB,
Colonel Commanding.

GENERAL ARCULARIUS,
Or Officer in Command of the United States Militia Force,
Niagara Frontier.

(Copy.)

H. M. SCHOONER QUEEN,
Off Navy Island, 10th January, 1838.

Sir,

I have the honour to report to you, that in obedience to your commands, I proceeded at 2 o'clock, P. M., this day, in two of the boats of Her Majesty's Schooner under my command, unarmed, to examine the channel between Grand Island and Navy Island.

On arriving within two hundred yards of the American shore, I laid upon my oars, and allowed the current to drift the boats down, heaving the lead now and then.

Upon arriving opposite to the American flag, hoisted upon Grand Island, about one mile above the South point of Navy Island, I was hailed by some Officers in uniform, who had around them about twenty men—they demanded what we were about; I told them that we were examining the channel between the two Islands, whereupon they desired us to come ashore. I told them that our only orders were to examine the channel, and that we could not land.

I then perceived that they were preparing to fire upon us, and without loss of time I ordered my men to give way; this instantly brought down upon us a discharge of fire-arms from the men assembled on the bank; one of the balls struck the rudder-head of the boat in which I was, and they continued to fire at both boats until we were out of their reach. The batteries on Navy Island also fired on us.

I have also the honour to inform you, that from the position in which we were at the commencement of the firing, I could plainly see the houses on the American main land, between the two Islands.

I have, &c.

(Signed) JOHN ELMSLEY,
Lieut. R. N. Com'g.

CAPTAIN DREW, R. N.

District of Niagara, } THOMAS MOXEY, of the Township of Stamford, in the District of
to wit. } Niagara, Inn-keeper, maketh oath and saith, that on Sunday, the seventh
day of January, instant, he, this deponent, crossed the ferry to the American shore, and passed to
the Village of Manchester, in the State of New York; that while at the inn, he saw eleven
waggons draw up, in which waggons were upwards of sixty persons, besides the drivers, who, it
was currently reported had come from Lockport and Rochester, as volunteers, to join the force on
Navy Island; that he heard some of them say, that they were then on their way to Navy Island,
and hurra'd for Van Rensselaer and Mackenzie; that the said party left Manchester almost
immediately, and proceeded, as it was generally supposed and believed, to join the said Van
Rensselaer; this deponent further saith, that he heard that Van Rensselaer and Mackenzie had
both been at Manchester that day, and that a schooner, laden with flour and pikes, was on the way
from Buffalo to Navy Island: and that a Steam-boat was also to come down to ply between Navy
Island and the American shore—and that if the said Boat was fired upon by the British forces,
they (the Americans) would immediately proceed to hostilities; this deponent further saith, that
he went to Manchester on his own private business—that upon his arrival at the inn at Manchester,
the moment it was known that he was from Canada, very abusive language was used towards him
by certain inhabitants of Manchester, accusing him of being a spy, and an officer, or person in
military apparel—declared that he ought to be arrested and sent to the State's Prison; this deponent
further saith, that one Parsons, of the said Village, generally known as "Patriot Parsons," was in
the house where this deponent was, and used most violent language respecting the Government of
Canada, and appeared to be exciting the minds of the people present against the inhabitants of
Canada; this deponent further saith, that it was the current report, that American citizens were
enlisting in the service of General Van Rensselaer, who is an American citizen—and that from
fifty to one hundred men had joined daily, for some days back: also, that three pieces of cannon
had gone to the Island, from the American shore, during the past week; and this deponent further
saith, that from what he saw and heard from the people of Manchester, that not only they (the

people of Manchester,) but the citizens of the various Towns and Villages of the State of New York, are openly aiding abetting and assisting the rebels on Navy Island; and further this deponent saith not.

(Signed) THOMAS MOXEY.

Sworn before me, at Stamford, in the District }
of Niagara, this 9th January, 1838. }

(Signed) JOHN POWELL,
*A Commissioner for taking Affidavits in
the King's Bench.*

On motion of Mr. Attorney-General, seconded by Mr. Sherwood,

Ordered—That 2000 copies of the Message of His Excellency the Lieutenant Governor, and documents accompanying the same, be printed for the use of members.

2000 copies of Message and documents to be printed.

At 4 o'clock, Stephen Jarvis, Esq., Gentleman Usher of the Black Rod, came to the bar, and delivered the commands of His Excellency the Lieutenant Governor, for the immediate attendance of the House at the bar of the Legislative Council Chamber.

The Speaker, officers, and members present then went up, accordingly, and being returned,

House waits on His Excellency at bar of Legislative Council.

Mr. Speaker reported that His Excellency had been pleased to assent, in Her Majesty's name, to the following Bills, viz :—

His Excellency assents to the following bills—

“ An Act to authorise the apprehending and detention of persons suspected of High Treason, Misprision of Treason, and Treasonable practices.”

Bill to authorise the apprehending of persons suspected of Treason.

“ An Act to repeal part of, and amend, an Act passed in the 7th year of His late Majesty's reign, entitled, ‘ An Act to appoint the time and place of holding the Court of General Quarter Sessions of the Peace in each of the several Districts of this Province, and to repeal the several laws now in force for that purpose.’ ”

Bill to amend Quarter Sessions act.

“ An Act to regulate the future erection of Gaols in this Province.”

Gaol Bill.

“ An Act to amend the law in respect to the liability of the legal representatives of Joint Contractors, and of Defendants on Joint Judgments.”

Bill to amend Executors liability law.

“ An Act to provide for the more effectual and impartial trial of persons charged with Treason and Treasonable practices, committed in this Province.”

Bill for more impartial trial of Treason.

“ An Act to continue the expiring laws”—and

Bill to continue expiring laws.

“ An Act to protect the inhabitants of this Province against lawless aggressions from the subjects of foreign countries at peace with Her Majesty.”

Bill to protect against lawless aggressions.

Adjourned.

Saturday, 13th January, 1838.

The House met.

The minutes of yesterday were read.

The following Petitions were severally brought up, and laid on the table :—

Petitions brought up.

By Mr. Bockus, the petition of Publius V. Elmore, of the Town of Picton.

P. V. Elmore.

By Mr. Thorburn, the petition of Hackstaff and Rogers, Proprietors of the “ Commercial Herald,” published in the City of Toronto.

Hackstaff and Rogers.

And by Mr. Boulton, the petition of John Steele, Esq., Chairman Quarter Sessions, District of Newcastle.

John Steele, Esq.

On motion of Mr. Bockus, seconded by Mr. Jarvis,

Petitions referred.

Ordered—That the petition of Abraham Van Vleck Pruyn, be referred to a select committee, composed of Messrs. Shaver and Armstrong, with power to report thereon by Bill or otherwise.

Of A. V. V. Pruyn.

On motion of Mr. Bockus, seconded by Mr. Armstrong,

Of James Pierson and others, and B. C. Wilkins and others.

Ordered—That the petition of James Pierson and others, and the petition of Robert C. Wilkins and others, be referred to a select committee, to be composed of Messrs. Marks and Thorburn, with power to send for persons and papers, and report thereon by Bill or otherwise.

On motion of Mr. Shaver, seconded by Mr. McKay,

Of G. C. Salmon and others.

Ordered—That the petition of George C. Salmon be referred to a select committee, consisting of Dr. Duncombe, *of Norfolk*, and Messrs. Ferrie and Caldwell, with power to report thereon, by Bill or otherwise.

On motion of Mr. Thomson, seconded by Mr. Shade,

Of H. Smith, Esq.

Ordered—That the petition of Henry Smith, Esq. be referred to a select committee, with power to send for persons and papers, and report by Bill or otherwise, and that Messrs. Sherwood, McKay, and Thorburn, do compose the same.

Notice of Prince Edward boundary line bill.

Mr. Bockus gives notice that he will, on Monday next, move for leave to bring in a Bill to establish the Boundary lines of the several concessions of the District of Prince Edward.

Select committee on petition of A. V. V. Pruyn report Pruyn's naturalization bill.

Mr. Shaver, from the select committee to which was referred the petition of Abraham Van Vleck Pruyn, informed the House that the committee had agreed to report by Bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Bill read first time.

The Report was received, and the Bill was read the first time.

2nd reading Monday.

Ordered—That the Bill to naturalize A. V. V. Pruyn be read a second time on Monday next.

Select committee on petition of Wm. Scollick and others, report Waterloo Bridge Company bill.

Mr. Shade, from the select committee to which was referred the petition of William Scollick and others, informed the House that the committee had agreed to report by Bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Bill read first time.

The report was received, and the Bill was read the first time.

2nd reading Monday.

Ordered—That the Waterloo Bridge Company Bill be read a second time on Monday next.

Committee to wait on His Excellency with Address respecting Address on Chelsea Pensioners, report answer.

Mr. Boulton, from the committee to wait on His Excellency the Lieutenant Governor with the Address of this House praying for information respecting the Address to His Majesty on Chelsea Pensioners, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:—

GENTLEMEN:—

Answer

I request you will acquaint the House of Assembly that I have received a communication from the Secretary of State for the Colonies on the subject of the Joint Address of the two Houses of the Provincial Parliament to His late Majesty, relative to certain Military Pensioners who had commuted their pensions and settled in this Province, of which I will transmit a copy to the House without delay—and that I expect a further communication from Her Majesty's Government on this subject.

Select committee on Jurors' compensation, report bill.

Mr. Gowan, from the select committee to which was referred the subject of compensating Jurors, informed the House that the committee had agreed to report by Bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Bill read first time.

The report was received, and the Bill was read the first time.

2nd reading Monday.

Ordered—That the Bill be read a second time on Monday next.

Motion to print 200 copies of bill.

Mr. Gowan, seconded by Mr. Richardson, moves that 200 copies of the Bill providing for the payment of Jurors be printed for the use of members.

Amendment.

In amendment, Mr. Boulton, seconded by Mr. Sherwood, moves, that the whole of the original motion be expunged, and that the report of the com-

mittee on the subject of compensation to Jurors, be referred back to the same committee.

Which was carried.

Carried.

Mr. Shade, from the select committee to which was referred the petition of G. C. Salmon and others, informed the House that the committee had agreed to report by Bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Select committee on petition of G. C. Salmon and others, report Talbot District Tax bill.

The report was received, and the Bill was read the first time.

Bill read first time.

Ordered—That the Bill to authorise the Magistrates of the District of Talbot to levy an additional tax to liquidate the debt incurred in building the Gaol and Court House therein, be read a second time on Monday next.

2nd reading Monday.

Pursuant to notice, Captain Dunlop, seconded by Mr. Richardson, moves that the House do now resolve itself into a committee of the whole for the purpose of voting a sum of money to enable the Lieutenant Governor to erect an Asylum for the Insane.

House in committee on Lunatic Asylum.

Which was carried, and the House was put into committee of the whole accordingly.

Mr. Jarvis in the Chair.

The House resumed.

The Chairman reported that the committee had agreed to certain resolutions, which he was directed to submit for the adoption of the House.

Resolutions reported.

The report was received, and the resolutions were adopted, as follows :—

Resolved—That it has become necessary, and that it is expedient to authorise His Excellency the Lieutenant Governor to appoint Commissioners for the superintending the erection of a Provincial Asylum—and that provision be made by law for the appointment of officers for the government thereof—and that regulations be made for the management of the same.

1st Resolution.

Resolved—That there be granted to Her Majesty the sum of Three Thousand Pounds, to be appropriated and expended by Commissioners, to be appointed by His Excellency, in the erection of a Provincial Asylum.

2nd Resolution.

On motion of Captain Dunlop, seconded by Mr. Thomson,

Ordered—That the resolutions of this House on the subject of a Lunatic Asylum be referred to a select committee, to be composed of Messrs. Cartwright, Thorburn, Burwell, and Richardson, to draft bills pursuant to resolutions, and to provide ways and means for defraying the expenses of the same.

Resolutions referred to select committee to draft bill and provide ways and means.

At 12 o'clock, the House waited upon His Excellency the Lieutenant Governor with the Address requesting His Excellency to transmit to Her Majesty the Address of condolence and congratulation, and being returned, Mr. Speaker reported that his Excellency had been pleased to make thereto the following answer :—

House waits on His Excellency with Address of condolence and congratulation.

GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I deeply participate in the feelings which pervade your Address, which without delay, shall be transmitted to Her Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the Throne.

Answer.

Adjourned.

Monday, 15th January, 1838.

The House met.

The minutes of Saturday were read.

Mr. Speaker reported that he had received from the Cashiers of the Bank of Upper Canada and the Gore Bank, statements of the affairs of those Institutions, which are as follows :—

Speaker reports Bank Statements.

GENERAL STATEMENT of the Affairs of the BANK OF UPPER CANADA on the first day of January, 1838, furnished by order of the Honourable the Commons House of Assembly.

Statement of affairs of Bank of Upper Canada, 1st January, 1838.

Capital stock paid in,	£ 200,000	0	0	Gold, Silver, and other coined metals in the vaults of the Bank,	£ 139,225	2	5
Amount of Notes in circulation bearing interest, of the value of \$5 and upwards, £52,355				Real Estate and Bank Furniture,	8,676	16	8
Do. under \$5,	27,724			Bills of other Banks,	21,127	15	0
Total amount in circulation,	80,079	0	0	Balances due from other Banks,	3,221	18	9
Bills and Notes in circulation bearing interest,				Amount of all debts due, including Notes, Bills of Exchange, and all stock and funded debts of every description, excepting the balances due from other Banks,	261,689	13	6
Balances due to other Banks and foreign agents,	52,164	9	4				
Contingent fund,	23,512	1	7				
Cash deposited, including all sums whatsoever due from the Bank not bearing interest, (its bills in circulation and balances due to other Banks excepted,)	75,516	3	2				
Cash deposited bearing interest, being for the Home District Savings Bank,	2,669	12	3				
	£ 433,941	6	4		£ 433,941	6	4

We, the undersigned make oath and swear that the foregoing statements are correct, to the best of our knowledge and belief.

WM. PROUDFOOT, *President.*
THOMAS G. RIDOUT, *Cashier.*

Sworn before me at Toronto, this }
13th day of January, 1838. }

J. W. GAMBLE, J. P.

Statement of affairs of Gore Bank, 8th January, 1838.

ABSTRACT from the Books of the GORE BANK, on Monday, the eighth day of January, 1838, as required by the Honourable the Commons House of Assembly.

DEBTS DUE BY THE BANK.				RESOURCES OF THE BANK.			
Capital Stock paid in,	£ 89,146	5	0	Gold, Silver, and other coined metals, in the Bank,	£ 22,176	0	1
Amount of Notes in circulation not bearing Interest, as follows, viz:—				Notes of other Banks on hand,	15,690	5	0
In \$1 notes,	£ 1,553	0	0	Real Estate and Bank Furniture,	888	16	0
In \$2 notes,	5,179	0	0	Balances due to the Bank by its Agents in London and New York	50,516	13	2
In \$4 notes,	3,976	0	0	Amount of all debts due, including Notes, Bills of Exchange, and all Stock and funded debts of every description, excepting the balances due from other Banks, viz:—			
In \$10 notes,	7,427	10	0	Payable in Upper Canada,	£ 91,614	2	8
Balances due to other Banks,	7,603	13	9	Do. in L. Canada,	6,458	17	1
Cash Deposites, not bearing Interest,	10,890	11	2	Do. in the U. States	1,096	0	0
Amount due the Commissioners appointed to macadamize the roads from Hamilton to Brantford, and from Dundas to Waterloo—bearing interest	47,000	0	0		89,168	19	9
Amount of dividend due 1st June last, unpaid,	107	0	8				
Amount of reserved profits, after paying last dividend,	1,142	0	9				
Amount of profits reserved since last dividend,	4,415	12	8				
	£ 178,440	14	0		£ 178,440	14	0

Rate of last dividend—6 per cent per annum, 2,875 4 5

Amount of debts due the Bank, and unpaid, none of which are considered doubtful, 30,678 11 10

We, the undersigned, President and Cashier of the Gore Bank, make oath and say, that the above statement is just and true, to the best of our knowledge and belief.

WM. WHYTE, *President.*
A. STEVEN, *Cashier.*

Sworn before me, at Hamilton, in the Gore District, }
this 11th day of January, 1838. }
W. B. VANEVERY, *J. P.*

The following petitions were severally brought up and laid on the table :— Petitions brought up.

By Mr. Boulton, the petition of William Weller, and one hundred and twenty-four others, of the District of Newcastle. W. Weller and others.

And by Mr. Elliott, the petition of W. T. Slater, of the township of Darlington, (Durham). W. T. Slater.

Mr. Gowan gives notice that he will, on Thursday next, move that an address be presented to His Excellency the Lieutenant Governor, praying that His Excellency may be pleased to confer upon Alderman John Powell, Mayor elect of this City, some mark of His Excellency's favor for the gallant conduct displayed by that gentleman on the night of the 4th day of December last, when by his intrepidity, and through the mercy of Divine Providence, the Capital of Upper Canada was preserved from the awful effects of a premeditated attack by a band of Rebels and Plunderers. Notice of Address on conduct of Alderman Powell.

Pursuant to the order of the day, the Bill to reinvest the Clergy Reserves in Her Majesty was read the second time. Bill to reinvest Clergy Reserves read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr Duncombe (of Norfolk,) in the Chair.

The House resumed.

The Chairman reported that the Committee had risen.

Committee rises.

On the question for receiving the Report, the Yeas and Nays were taken as follows :— On receiving report.

Y E A S.

Messieurs *Armstrong, Caldwell, Cameron, Cool, Cornwall, Dellow, Duncombe,* of Norfolk, Yeas—29.
Dunlop, Gowan, Jarvis, Kearnes, Malloch, McCrae, McDonell, of Northumberland,
McDonell, of Stormont, *McIntosh, McLean, Merritt, Murney, Morris, Norton,*
Richardson, Rykert, Shade, Shaver, Sherwood, Thomson, Thorburn, Woodruff—29.

N A Y S.

Messieurs *Attorney-General, Bockus, Boulton, Burwell, Cartwright, Elliott, Ferrie, Lewis,* Nays—12.
Manahan, Marks, Parke, Solicitor-General—12.

The question was carried in the affirmative by a majority of seventeen, and the report was received. Carried, majority 17.

Pursuant to the order of the day, at 12 o'clock, noon, the House was called. Call of House.

M E M B E R S A B S E N T.

MESSIEURS AIKMAN, (*on military duty.*) Members absent.
ALWAY,
CHISHOLM, of *Halton,* } (*on military duty.*)
CHISHOLM, of *Glengarry,* }
DUNCOMBE, of *Oxford.*
GIBSON,
HOTHAM, (*sick.*)
MACNAB, (*on military duty.*)
MATHEWSON, (*sick.*)
McDONELL, of *Glengarry,* (*on military duty.*)
McMICKING, (*sick.*)
MOORE,
MORRISON,
POWELL,
PRINCE, (*on military duty.*)
ROLPH,
WELLS,
WICKENS, (*on military duty, and on leave.*)

Message from His Excellency announcing His resignation of the Government of this Province.

Mr. Secretary Joseph brought down a Message from His Excellency the Lieutenant Governor.

The Message was read by the Speaker as follows:—

F. B. HEAD.

Message.

The Lieutenant Governor informs the House of Assembly, that, in consequence of the Province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the officer in command of Her Majesty's Land Forces, has assumed the entire military authority and command over the Troops—that he is also in command of the Militia, and that the Commissary-General at Quebec has communicated to the officer in charge of the Commissariat here, that, consistently with the rules of the service, no expenses can be allowed unless sanctioned by the authority of the military commander upon whom the protection of the Province has thus necessarily devolved.

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

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

Under the peculiar circumstances in which the Province is at present placed, the Lieutenant Governor feels confident that the House of Assembly will rejoice with him at the approaching arrival of an Officer of high character and considerable experience, whose rank in the army will enable him to combine the military command with the civil government of this Province.

Government House, }
January 15, 1838. }

On motion of Mr. Attorney General, seconded by Mr. Solicitor General,
Ordered—That Messrs. Cartwright and Sherwood be a Select Committee to draft and report an Address of thanks to His Excellency the Lieutenant Governor, for his Message of this day.

Select committee to draft Address of thanks.

Mr. Gowan, a Member for the County of Leeds, standing in his place, acquainted the House that Mr. Gibson, a Member of this House for the First Riding of the County of York, has been seen in arms in rebellion against the Government, and that there are persons at the door who are ready to prove it.

Mr. Gowan acquaints House that Mr. Gibson, M. P. 1st Riding York, was seen in arms with the rebels, and that persons are at the door ready to prove it.

Mr. Sherwood, seconded by Mr. Ferrie, moves, that Mr. Gowan, a Member of this House, having stated in his place that David Gibson, Esquire, a Member of this House for the First Riding of the County of York, had been seen in arms on the part of the rebels in the late insurrection, and that there are persons at the door who could prove the same, it be *Resolved*, that the said persons be forthwith called to the Bar to state what they may know in the matter.

Motion to admit them to the Bar.

Which was carried.

The persons were accordingly called in and examined at the Bar, and stated that they had seen the said David Gibson in arms at Montgomery's Tavern, with the rebels there assembled on the 5th, 6th, and 7th days of December last.

Persons being admitted at the Bar state that they saw him in arms.

Mr. Gowan, seconded by Mr. Morris, moves that David Gibson, Esquire, be expelled this House.

Motion to expel Mr. Gibson.

Which was carried, *nem con.*

Carried *nem con.*

P R E S E N T.

Present.

Messieurs Armstrong, Attorney-General, Burwell, Caldwell, Cameron, Cartwright, Cook, Cornwall, Dettlor, Duncombe, of Norfolk, Dunlop, Elliott, Ferrie, Gowan, Jarvis, Kearnes, Lewis, Malloch, Manahan, McDonell, of Stormont, McIntosh, McKay, McLean, Merritt, Murney, Morris, Norton, Parke, Richardson, Robinson, Rykert, Shade, Shaver, Sherwood, Solicitor General, Thomson, Thorburn, Woodruff—38.

On motion of Mr. Gowan, seconded by Mr. Morris,

Ordered—That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the election of one Knight of the Shire, to serve in this present Parliament, for the First Riding of the County of York, in the room of David Gibson, Esquire, expelled this House.

Order for issuing new writ of election for 1st Riding of York.

Mr. Gowan, seconded by Mr. McKay, moves, that inasmuch as this House has good reason to believe, that several of its Members were unable to attend in their places and answer to their names at the call of the House, ordered for and had on this day, in consequence of some of them being detained in custody on highly criminal charges, and others having absconded the Province, by reason of rewards having been offered for their apprehension by His Excellency the Lieutenant-Governor, and for other causes; be it therefore *Resolved*,—That a Committee of Privilege be now appointed, to inquire into the cause of the absence of the Members of this House who have not this day answered to their names; that the said Committee consist of Messrs. Solicitor-General, Norton, Robinson, Thorburn, and Morris, with power to send for persons and papers, and to report to this House.

Committee of privilege appointed respecting those members who were absent at the call of the House.

Which was carried.

Mr. Bockus, from the Committee to wait on His Excellency the Lieutenant-Governor with the Address of this House, for the Census of the Towns of Cobourg and Picton, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer :—

Committee to wait on His Excellency with Address for Census of Cobourg and Picton, report answer.

GENTLEMEN,—

I request you will acquaint the House of Assembly, in reply to this Address, that no special return has been received by me of the population either of Cobourg or Picton, but that, in the General Return for the District of Newcastle for 1837, the former Town is mentioned as containing 1653 inhabitants.

Answer.

Pursuant to notice, Mr. Gowan, seconded by Mr. Elliott, moves for leave to introduce a Bill to prevent the return to this Province of persons who have absconded to the United States during the late rebellion.

Bill to prevent return of absconding rebels brought in.

Which was granted, and the Bill was read the first time.

Ordered—That the Bill be read a second time to-morrow.

2nd reading to-morrow.

On motion of Mr. Gowan, seconded by Mr. Elliott,

Ordered—That 200 copies of the Bill to prevent the return to this Province of persons who have absconded the same during the present rebellion, be printed for the use of members.

200 copies to be printed.

Pursuant to notice, Mr. Richardson, seconded by Mr. Solicitor General, moves that this House do at 3 P. M., proceed to elect by ballot a committee of nine of its members, to whom shall be referred the Public Accounts.

Select Committee on Public Accounts to be balloted for at 3 o'clock.

Which was carried, and ordered.

Pursuant to notice, Mr. Richardson, seconded by Captain Dunlop, moves, that an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency may be pleased to transmit to this House any Census Returns that may have been received by His Excellency from the Clerk of the Peace of the District of Niagara for the County of Haldimand, and likewise from the Clerk of the Peace of the District of London for the County of Huron, for the year 1837; and that Messrs. Bockus and Manahan be a committee to draft and report the said Address.

Address for Census of Haldimand and Huron, ordered.

Which was carried and ordered.

Pursuant to the order of the day, the Bond Head Harbour Company Bill was read the second time.

Bond Head Harbour bill read 2nd time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Detlor in the chair.

The Speaker resumed the chair, to receive a Message from His Excellency the Lieutenant Governor.

The Speaker left the Chair.

The Chairman resumed the chair of committee.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some progress in the Bill and asked leave to sit again to-morrow.

The Report was received, and leave granted accordingly.

Speaker reports Message from His Excellency.

Mr. Speaker reported that Mr. Secretary Joseph had brought down a Message from His Excellency the Lieutenant Governor.

The Message was read by the Speaker as follows:—

F. B. HEAD,

Message from His Excellency respecting Warrants against certain members for Treason.

His Excellency the Lieutenant Governor thinks it necessary to apprise the House of Assembly, that in consequence of charges of High Treason and Treasonable practices having been preferred against John Rolph, David Gibson, Charles Duncombe, Thomas D. Morrison, Robert Alway, and Elias Moore, Members of the House of Assembly, Warrants have been issued against these persons for their apprehension, and that Thomas D. Morrison, Robert Alway, and Elias Moore are now in confinement awaiting their trial.

John Rolph, Charles Duncombe, and David Gibson having absconded from the Province, the Lieutenant Governor has felt himself called upon to offer a reward for their arrest.

Government House,
15th January, 1838. }

On motion of Mr. Gowan, seconded by Mr. Richardson,

Message referred to committee on privilege.

Ordered—That the Message of His Excellency the Lieutenant Governor acquainting the House that Warrants have been issued against certain members of this House, be referred to the Committee on Privilege.

On motion of Mr. Richardson, seconded by Mr. McKay,

Mr. Gowan added to committee of privilege.

Ordered—That the name of Mr. Gowan be added to the Committee of Privilege, appointed this day, and that the 29th Rule of this House be dispensed with so far as relates to the same.

Address for Census of Haldimand and Huron, reported, read thrice, and passed.

Mr. Bockus, from the Committee to draft and report an Address to His Excellency the Lieutenant Governor, pursuant to the Resolution respecting the Census of Haldimand and Huron, reported a draft, which was received and read three times and passed, and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY,—

Address

We, Her Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to transmit to this House any Census that may have been received by your Excellency from the Clerk of the Peace for the District of Niagara, for the County of Haldimand, for the past year; as also any Census Your Excellency may have received from the Clerk of the Peace for the District of London, for the County of Huron, for the same period.

H. RUTTAN,
Speaker.

Commons House of Assembly, }
15th January, 1838. }

Select committee on Printing present first report.

Mr. Gowan, from the Select Committee on Printing, presented a first Report, which was received and read, as follows:—

To the Honorable the Commons House of Assembly.

Report.

The Select Committee, appointed by your Honorable House, to Superintend the Printing during the present Session, beg leave to report to your Honorable House, that they met in the

Committee Room on the 30th ultimo, at which meeting the Chairman, with Messrs. Boulton, Marks, and Manahan, were present, and agreed to the following Resolutions:—

Resolved—That the proceedings of the House be furnished daily to Messrs. Dalton and Evans, and that three copies of their respective Papers be furnished to each member of the House.

Resolved—That the miscellaneous Printing of the House for the present be divided between the offices of the Patriot and Guardian.

Since then, various Petitions have been presented to your Honorable House upon the subject of Printing, and some applications have been made to individual members of the Committee upon the same subject, in addition to which, Mr. Morris has been added to the Committee by your Honorable House. Your Committee therefore again assembled on the 13th instant, when, in addition to the former members, the Committee had the attendance of Mr. Morris, and at which the following Resolutions were adopted:—

13th January, 1838.

PRESENT.—O. R. Gowan, Chairman, J. Morris, A. Manahan, G. S. Boulton, J. B. Marks.

Resolved—That three copies each of the Patriot, Guardian, Palladium, and Commercial Herald, be furnished to each Member of the House, on the days of their respective publications, during the present Session, in which papers the daily journals of the House shall be printed.

Resolved—That the miscellaneous Printing, such as Bills, Reports, &c., be divided between the above offices and Messrs. Coates and Scobie, in equal proportions, provided the work be executed so as to meet the approbation of the Committee.

Your Committee now respectfully recommend the adoption of this their first Report to your Honorable House.

All of which is respectfully submitted.

O. R. GOWAN,
Chairman.

Committee Room, House of Assembly, }
13th January, 1838.

Pursuant to the order of the day, the Bill to protect Sheriffs was read the second time.

Bill to protect Sheriffs; read 2nd time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Cook in the chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again to-morrow.

Progress reported.

The report was received, and leave granted accordingly.

On motion of Mr. Bockus, seconded by M. Thorburn,

Ordered—That Messrs. Richardson and Merritt be a Committee to wait on His Excellency the Lieutenant Governor, with the Address of this House, on the subject of the Census of the Counties of Haldimand and Huron, and present the same.

Committee to wait on His Excellency with Address for Census of Haldimand and Huron.

Pursuant to the order of the day, the Bill to allow members to vacate their seats was read the second time.

Members seats vacation bill read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Thomson in the chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again to-morrow.

Progress reported.

The report was 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 to determine the authority of the Heir and Devisee Commissioners.

Heir and Devisee Commissioners bill again committed.

Mr. Cartwright in the chair.

The House resumed.

The Chairman reported that the Committee had made some further progress in the Bill, and asked leave to sit again to-morrow.

Progress reported.

The Report was received, and leave granted accordingly.

Brockville Loan and Trust Company bill again committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Brockville Loan and Trust Company Bill.

Mr. Kearnes in the Chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some further progress in the Bill, and asked leave to sit again to-morrow.

The report was received and leave granted accordingly.

Bill to enable congregations to hold lands brought in.

Pursuant to notice, Mr. Cartwright, seconded by Mr. Boulton, moves for leave to bring in a Bill to enable Ministers and Congregations to hold lands in a corporate capacity.

Which was granted, and the Bill was read the first time.

Ordered—That the Bill be read a second time to-morrow.

2nd reading to-morrow.

Mr. Gowan, seconded by Mr. Thorburn, moves that the Bills passed this Session, entitled respectively—

“An Act to repeal part of, and amend, an Act passed in the 7th year of His late Majesty's reign, entitled, ‘An Act to appoint the time and place of holding the Court of General Quarter Sessions of the Peace in each of the several Districts of this Province, and to repeal the several laws now in force for that purpose.’”

“An Act to authorise the apprehending and detention of persons suspected of High Treason, Misprision of Treason, and Treasonable practices.”

“An Act to continue the expiring laws.”

“An Act to amend the law in respect to the liability of the legal representatives of Joint Contractors, and of Defendants on Joint Judgments.”

“An Act to regulate the future erection of Gaols in this Province.”

“An Act to provide for the more effectual and impartial trial of persons charged with Treason and Treasonable practices, committed in this Province”—and

“An Act to protect the inhabitants of this Province against lawless aggressions from the subjects of foreign countries at peace with Her Majesty,”—

be printed in each of the Newspapers of this Province, and that copies thereof be sent to each of the Editors of the several papers with as little delay as may be convenient.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—12.

Messieurs Cook, Dunlop, Gowan, Kearnes, Lewis, McKay, Murney, Norton, Parke, Shaver, Thorburn, Woodruff—12.

N A Y S.

Nays—18.

Messieurs Armstrong, Bockus, Boulton, Burwell, Caldwell, Cameron, Cartwright, Deltor, Ferrie, Manahan, McDonell, of Northumberland, McDonell, of Stormont, McLean, Rykert, Shade, Solicitor-General, Thorburn—18.

Lost, majority 6.

The question was decided in the negative by a majority of six.

On motion of Mr. Bockus, seconded by Mr. Cartwright,

100 copies of bill to enable congregations to hold lands, to be printed.

Ordered—That one hundred copies of the Bill to enable ministers and congregations to hold lands in succession be printed for the use of members.

Motion to print 1000 copies of bills assented to this Session.

Mr. Thomson, seconded by Mr. Rykert, moves that 1000 copies of the Statutes that have been passed this Session, and assented to, be printed in the usual way, forthwith.

Amendment.

In amendment, Mr. Solicitor-General, seconded by Mr. Boulton, moves, that all after the words “copies of the” be struck out, and the following inserted—“Acts which have received the Royal Assent, entitled—

‘An Act to authorise the apprehending and detention of persons suspected of High Treason, Misprision of Treason, and Treasonable practices;’ ‘An Act to provide for the more effectual and impartial trial of persons charged with Treason, and Treasonable practices, committed in this Province;’ and ‘An Act to protect the inhabitants of this Province against lawless aggressions from the subjects of foreign countries at peace with Her Majesty’—

be printed for the use of members.

Which was carried.

Carried.

The original question, as amended, was then put and carried.

Pursuant to the order of the day, the Bill to amend the Township Officers Act was read the second time. Bill to amend Township Officers Act read second time and committed.

The House was put into committee of the whole on the Bill.

Mr. Rykert in the Chair.

The House resumed.

The Chairman reported that the committee had made some progress in the Bill, and asked leave to sit again to-morrow. Progress reported.

The report was received, and leave granted accordingly.

Pursuant to the order of the day, the Bill to abolish imprisonment for debt was read the second time. Bill to abolish imprisonment for debt read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. McDonell, of *Northumberland*, in the chair.

The House resumed.

The Chairman reported that the committee had made some progress in the Bill, and asked leave to sit again to-morrow. Progress reported.

The Report was received, and leave granted accordingly.

Pursuant to the order of the day, the Bill to naturalize A. V. V. Pruyn was read the second time. Pruyn's naturalization bill read second time and committed.

The House was put into committee of the whole on the Bill.

Mr. Detlor in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Pursuant to the order of the day, the Waterloo Bridge Company Bill was read the second time. Waterloo Bridge Bill read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Norton in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Pursuant to the order of the day, at 3 o'clock, P. M., a Committee of Finance was balloted for, when the following Members were chosen:— Finance committee balloted for.

MESSIEURS MERRITT,
CARTWRIGHT,
MORRIS,
SHERWOOD,
BOULTON,
THORBURN,
BOCKUS,
McKAY, and
FERRIE.

Members chosen.

Pursuant to the order of the day, the Bill to authorise the Magistrates of the District of Talbot to levy a tax on that District, to defray, in part, the expense of erecting the public buildings therein, was read the second time. Talbot District Tax bill read 2nd time and committed.

The House was put into a committee of the whole on the Bill.

Mr. Sherwood in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Committee to carry up
Address on Currency
Law report answer.

Mr. Ferrie, from the Committee to wait on His Excellency the Lieutenant Governor with the Address of this House relative to the Currency Law, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:—

Answer

GENTLEMEN,— I shall transmit, without delay, for the information of the House of Assembly, in compliance with this Address, a copy of the Despatch which I have received from the Secretary of State for the Colonies on the subject of the Act passed during the second Session of the last Provincial Parliament, relative to Gold and Silver Coin.

Adjourned.

Tuesday, 16th January, 1838.

The House met.

The minutes of yesterday were read.

Petitions brought up.

The following Petitions were severally brought up, and laid on the table:—

W. Fitch and 51 others.
W. Fitch and 48 others.

By Mr. Merritt, the petition of William Fitch, and fifty-one others, of the District of Niagara,—and the petition of William Fitch, and forty-eight others, of the County of Haldimand.

D. McDermid

By Mr. McLean, the petition of Donald McDermid, late Lieutenant in the 1st Regiment Glengarry Militia.

J. T. Somerville and
47 others.

By Mr. McIntosh, the petition of James T. Somerville, and forty-seven others, of the townships of Whitby, Darlington, and Pickering, and their rear townships.

Dr. Strachan and others.

By Mr. Solicitor-General, the petition of John Strachan, D. D., and others, Committee of the House of Industry, Toronto City.

J. W. Gamble, Esq.

And by Mr. Robinson, the petition of J. W. Gamble, Esq., Chairman Quarter Sessions, Home District.

Pruyn's naturalization
bill read third time.

Pursuant to the order of the day, the Bill to naturalize A. V. V. Pruyn, was read the third time.

On passing,

On the question for passing the Bill the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—24

Messieurs *Armstrong, Bockus, Boulton, Caldwell, Cameron, Cornwall, Duncombe*, of Norfolk, *Gowan, Manahan, Marks, McCrae, McDonell*, of Northumberland, *McDonell*, of Stormont, *McKay, McLean, Merritt, Murney, Morris, Parke, Robinson, Rykert, Shade, Shaver, Woodruff*—24.

N A Y S.

Nays—5

Messieurs *Burwell, Ferrie, Kearnes, Sherwood, Solicitor-General*—5.

Carried, majority 19.

The question was carried in the affirmative by a majority of nineteen, and the Bill was passed.

Title

Mr. Bockus, seconded by Mr. Murney, moves that the Bill be entitled,—
“*An Act to naturalize Abraham Van Vleck Pruyn, and to give him the privileges of a British Subject.*”

Which was carried; and Messrs. Bockus and Murney were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Waterloo Bridge bill
read third time and
passed.

Pursuant to the order of the day, the Waterloo Bridge Company Bill, was read the third time and passed.

Title.

Mr. Shade, seconded by Mr. Ferrie, moves that the Bill be entitled—
“*An Act to incorporate certain persons under the style and title of the Waterloo Bridge Company.*”

Which was carried; and Messrs. Shade and Ferrie were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Bill to authorise the Magistrates of the District of Talbot to levy a tax on that District to defray in part the expense of erecting the public buildings therein, was read the third time and passed. Talbot Tax bill read third time and passed.

Mr. Shade, seconded by Mr. Ferrie, moves that the Bill be entitled,—
 “An Act to authorise the Justices of the Peace of the District of Talbot to levy an Additional Assessment to liquidate the cost of the Erection of the Gaol and Court-House for that District, and other purposes therein mentioned.” Title.

Which was carried; and Messrs. Shade and Ferrie were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the following Petitions were read:— Petitions read.

Of Publius V. Elmore, of the Town of Picton, stating that he has published a Map of the Midland District and District of Prince Edward, and praying the House to purchase some copies from him. P. V. Elmore.

Of Hackstaff and Rogers, proprietors of the “Commercial Herald,” of Toronto, praying for a share of the printing of the House. Hackstaff & Rogers.

And of John Steele, Esq., Chairman, Quarter Sessions, District of Newcastle, stating that, at the last town meeting in the Township of Haldimand, no assessment was made, in consequence of a dispute arising amongst the inhabitants, and praying relief in the premises. John Steele, Esq.

Mr. Robinson, seconded by Mr. Solicitor-General, moves that the petition of the Magistrates of the Home District be now read, and that the 41st rule of this House be dispensed with so far as relates to the same. J. W. Gamble, Esq.

Which was carried, and the petition of J. W. Gamble, Esq., Chairman Quarter Sessions, Home District, praying for a loan of £15,000 to erect a new Gaol and Court House therein, was read.

Mr. Boulton, seconded by Mr. Burwell, moves that the Report of the Select Committee of last Session, on the petition of Colonel Coffin, be now read, and that the 31st Rule of this House be dispensed with for that purpose.

Which was carried, and the Report was read accordingly. Journals read on Report on petition of Col. Coffin.

(Pages 60 and 61—Printed Journal.)

On motion of Mr. Boulton, seconded by Mr. Sherwood, *Ordered*—That the Report just read be referred to a Select Committee, to consist of Messrs. Burwell and Manahan, to report thereon. Report referred.

On motion of Mr. Robinson, seconded by Mr. McLean, *Ordered*—That the petition of John Gamble, Esquire, Chairman of the Quarter Sessions of the Home District, be referred to a Select Committee, consisting of Messrs. Solicitor General, Thomson, and McIntosh. Petitions referred.
Of J. Gamble, Esq.

On motion of Mr. Bockus, seconded by Mr. Marks, *Ordered*—That the petition of Publius V. Elmore be referred to a committee of the whole House on Supply, to-morrow. Of P. V. Elmore.

On motion of Mr. Merritt, seconded by Mr. Rykert, *Ordered*—That the petition of Thomas Butler and others be referred to a Committee, consisting of Messrs. Burwell and Thorburn. Of T. Butler and others.

Mr. Robinson gives notice that he will, on to-morrow, move for leave to bring in a Bill to amend the Charter of the Welland Canal Company. NOTICES.
Of bill to amend Welland Canal Charter.

Mr. Robinson gives notice that he will, on to-morrow, move for leave to bring in a Bill to amend the laws providing for the macadamizing certain roads in the Home District. Of bill to amend Home District macadamized road Acts.

Of address for information respecting Addresses on Trade, Montreal, and St. Lawrence.

Mr. Merritt gives notice that he will, on the morrow, move that an Address be presented to His Excellency, the Lieutenant Governor, humbly requesting that His Excellency will inform this House whether any communication has been received from the Colonial Secretary, upon the various subjects contained in the Addresses of this House, on Trade, and on the subject of the annexation of a seaport (Montreal) to Upper Canada,—also on the joint Address of both Houses on the subject of the St. Lawrence.

Of Address for Despatches on Rectories.

Mr. Morris gives notice that he will, on to-morrow, move an humble Address to His Excellency the Lieutenant Governor, praying that he will be pleased to lay before this House, copies of any Despatches he may have received from Her Majesty's Government on the subject of the establishment of Rectories in this Province, and copies of all other communications he may have received upon this subject.

Of bill to amend King's Bench costs Act.

Mr. Jarvis gives notice that he will, on to-morrow, ask leave to bring in a Bill to alter and amend an Act passed in the fifty-eighth year of the reign of His late Majesty George the third, entitled—

"An Act to regulate the costs in certain cases in the Court of King's Bench."

Select Committee on petition of Owen Richards present report.

Mr. Bockus, from the select committee to which was referred the petition of Owen Richards, presented a report, which was received and read, as follows:—

To the Honourable the Commons House of Assembly.

Report

Your Committee to whom was referred the petition of Owen Richards, Keeper of the Light House on Point Peter, begs leave to Report:—

That they have examined the certificates and other evidence accompanying the petition, and find that from the highness of the water in Lake Ontario, the dwelling house formerly occupied by the Keeper of the Light House has become untenable for the last year, being completely surrounded with water, and it is therefore necessary to make an appropriation for the purpose of erecting, as near to the Light House as the nature of the ground will admit, a suitable building for a dwelling for the Keeper, and would most respectfully recommend that the sum of One Hundred Pounds be appropriated for that purpose

All which is respectfully submitted.

CHARLES BOCKUS,
Chairman.

Committee Room,
16th January, 1838. }

Select Committee on petition of J. K. Hartwell and others report Brockville Gaol Bill.

Mr. Richardson, from the Select Committee to which was referred the petition of J. K. Hartwell and others, informed the House that the committee had agreed to report by Bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Bill read first time.

The report was received, and the Bill was read the first time.

2nd reading to-morrow.

Ordered—That the Brockville Gaol Bill be read a second time to-morrow.

On motion of Mr. Bockus, seconded by Mr. Marks,

Report on petition of O. Richards referred to committee of supply.

Ordered—That the Report of the Committee, on the petition of Owen Richards, be referred to a Committee of the whole on Supply, to-morrow.

Address for correspondence on His Excellency's resignation ordered.

Mr. Robinson, seconded by Mr. Sherwood, moves that it be *Resolved*, That an humble Address be presented to His Excellency the Lieutenant Governor, requesting that he will be pleased to lay before this House the correspondence between Her Majesty's Government and His Excellency, which induced him to tender his resignation of the Government of this Province, and also any subsequent correspondence between Her Majesty's Government and His Excellency, on the same subject; and that the 31st Rule of this House be dispensed with so far as relates to the same.

Which was carried and ordered.

On motion of Mr. Robinson, seconded by Mr. Sherwood,

Ordered—That Messrs. Boulton and Burwell be a committee to draft an address pursuant to the resolution and present the same.

Pursuant to the order of the day, the bill to prevent the return of those who absconded during the rebellion, was read the second time. Bill to prevent return of absconding rebels, read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Woodruff in the chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill and asked leave to sit again to-morrow. Progress reported.

The Report was 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 Bond Head Harbour Bill. Bond Head Harbour bill again committed.

Mr. Detlor in the chair.

The House resumed.

The Chairman reported that the committee had agreed to the Bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. Third reading to-morrow.

Pursuant to the order of the day, the Bill to protect Sheriffs was read the second time. Bill to protect Sheriffs read second time, and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Cook in the Chair.

The House resumed.

The Chairman reported that the committee had agreed to the bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The report was received.

Ordered—That the Bill be engrossed and 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 to allow Members to vacate their Seats. Members' Seats Vacation bill again committed.

Mr. Armstrong in the Chair.

The House resumed.

The Chairman reported that the Committee had made some further progress in the Bill, and asked leave to sit again to-morrow. Progress reported.

The Report was 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 to determine the authority of the Heir and Devisee Commissioners. Heir and Devisee Commissioners' Bill again committed.

Mr. Cartwright in the Chair.

The House resumed.

The Chairman reported that the Committee had made some further progress in the Bill, and asked leave to sit again to-morrow. Progress reported.

The Report was 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 Brockville Loan and Trust Company Bill. Brockville Loan and Trust Company bill again committed.

Mr. Malloch in the Chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House. Reported amended.

The report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. Third reading to-morrow.

Pursuant to the order of the day, the Bill to enable Ministers and Congregations to hold lands, was read the second time. Bill to allow congregations to hold lands read second time, and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Rykert in the Chair.

The House resumed.

Progress reported.

The chairman reported that the committee had made some progress in the Bill, and asked leave to sit again to-morrow.

The Report was received, and leave granted accordingly.

Bill to amend Township Officers' Law again committed.

Pursuant to the order of the day, the House was again put into a committee of the whole on the Bill to amend the Township Officers' Law.

Mr. Ferrie in the chair.

The House resumed.

Progress reported.

The Chairman reported that the committee had made some further progress in the Bill, and asked leave to sit again this day.

The Report was received, and leave granted accordingly.

Bill to abolish Imprisonment for Debt again committed.

Pursuant to the order of the day, the House was again put into a committee of the whole on the Bill to abolish imprisonment for debt.

Mr. McDonell, of *Northumberland*, in the Chair.

The House resumed.

Progress reported.

The Chairman reported that the committee had made some further progress in the Bill, and asked leave to sit again to-morrow.

The Report was received, and leave granted accordingly.

Message from Legislative Council.

The Master in Chancery brought down from the Honourable the Legislative Council a Message, and having delivered the same at the Clerk's Table, retired.

The Message was read by the Speaker as follows:—

MR. SPEAKER,

Bill to regulate costs of levying distresses passed.
Toronto Incorporation Amendment bill passed.

The Legislative Council has passed the Bill sent up from the Commons House of Assembly, entitled, "*An Act to regulate the costs of levying distresses for small rents and penalties*"—and also the Bill entitled, "*An Act to remove doubts respecting the validity of the late Elections for the Aldermen and Councilmen of the City of Toronto*"—without any amendment.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Fifteenth day of Jan'y, 1838. }

Address on His Excellency's resignation reported, and read three times.

Mr. Sherwood, from the committee to draft and report an Address in answer to His Excellency's Message of yesterday, reported a draft, which was received and read three times.

On passing.

On the question for passing the Address, the yeas and nays were taken as follows:—

Y E A S.

Yeas—23

Messieurs *Attorney-General, Bockus, Boulton, Burwell, Caldwell, Cartwright, Cornwall, Ferrie, Kearnes, Lewis, Manahan, Marks, McCrae, McDonell*, of *Northumberland*, *McKay, McLean, Murney, Richardson, Robinson, Shade, Sherwood, Solicitor-General, Thomson*—23.

N A Y S.

Nays—5

Messieurs *McDonell*, of *Stormont*, *Merritt, Parke, Rykert, Thorburn*—5.

Carried, majority 18.

The question was carried in the affirmative by a majority of eighteen, and the Address was passed, and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY,—

Address.

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly thank Your Excellency for Your Excellency's Message of the 15th instant, communicating to this House, that, "in consequence of this Province being

“invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the officer in command of Her Majesty’s Land Forces, has assumed the entire military authority and command over the troops—that he is also in command of the Militia; and that the Commissary-General at Quebec has communicated to the Officer in charge of the Commissariat here, that, consistently with the rules of the service, no expenses can be allowed unless sanctioned by the authority of the Military Commander upon whom the protection of the Province has thus necessarily devolved.”

Address on His Excellency's resignation.

In reference to this subject, we can only express our earnest hope that this regulation, which the rules of the service appear to have rendered necessary, may in no respect impair the efficiency of the operations hitherto planned and directed by Your Excellency, with so much success, for the preservation and defence of the Province against the attack of foreign and domestic enemies.

We are further informed by Your Excellency, that, having had the misfortune to differ from Her Majesty’s Government on one or two points of Colonial policy, Your Excellency felt it your duty on the 10th of September last, respectfully to tender to Her Majesty’s principal Secretary of State for the Colonies, the resignation of the important station which for a short time Your Excellency has had the honour to hold in this Province, and that Your Excellency’s resignation had been graciously accepted.

When this House recalls to recollection the events of Your Excellency’s administration of the affairs of this Province—the universal respect and confidence with which you are regarded, arising from Your Excellency’s firm and uncompromising adherence to the principles of the Constitution, and which has afforded to the Inhabitants of this Colony various opportunities of proving, not by words merely, but by acts the most convincing and undeniable, their firm unshaken loyalty to their Sovereign and their desire to maintain their connection with the Parent State, in contradiction to assertions and insinuations of a contrary tendency—we cannot but view with alarm the disclosure now made, that Your Excellency has felt yourself called upon to resign the administration of the Government, on the grounds stated in Your Excellency’s message.

If Your Excellency’s measures and policy have not given satisfaction to our Gracious Queen, we are driven to enquire, in the most humble and respectful, but solemn manner, what course of policy it is that is expected by Her Majesty from Her Majesty’s Representative in this Province? Deeply impressed with the duty of submission to the Constitutional exercise of the Royal Prerogative, we do not question the right of the Sovereign to select Her Representatives in this or any other Colony of the Empire; but we nevertheless feel ourselves impelled by a sense of duty suggested by a desire to maintain our allegiance, (and which on our part can never be laid aside or forgotten,) humbly, but earnestly and emphatically, to declare that if any thing be calculated to shake the attachment of Her Majesty’s now truly loyal and devoted subjects to Her Royal person and Government, it is by acts of injustice, or the manifestation of ungenerous distrust towards Servants, who have served the British nation so faithfully and nobly as Your Excellency has done. It will be the duty of this House, before the close of the present Session and when more fully informed of facts, to express more at large the feelings and opinions they entertain on this painfully interesting and important subject.

In the mean time we beg to assure Your Excellency, that this House and the people of this Province will regard Your Excellency’s relinquishment of its Government as a calamity of the most serious nature, and which may result in difficulties and dissensions that cannot be easily repaired or reconciled. We however are fully persuaded that the blame cannot rest with Your Excellency; and while we sincerely and most willingly acknowledge the zeal, ability, justice and honourable disinterestedness with which you have conducted the Government of this Province during your short but eventful and arduous administration of its affairs, we beg respectfully and affectionately to express, on behalf of this Province, our earnest hope, that Your Excellency’s prosperity in future life may be commensurate with the claims, deep and lasting as they are, upon our gratitude, the approbation of our Gracious Queen, and the applause and acknowledgment of the British nation.

H. RUTTAN,

Speaker.

Commons House of Assembly, }
16th January, 1838. }

On motion of Mr. Boulton, seconded by Mr. Cornwall,

Ordered—That Messrs. Sherwood and Cartwright be a committee to wait on His Excellency to know when he will be pleased to receive the Address of this House acknowledging his Message respecting his resignation of the Government of this Province, and to present the same.

On motion of Mr. Richardson, seconded by Mr. Boulton,

Ordered—That one thousand copies of the Message of His Excellency the Lieutenant Governor of the 15th inst. and of the Address of this House in answer thereto, be printed for the use of members.

1000 copies of the Message and Address to be printed.

Adjourned.

Wednesday, 17th January, 1838.

The House met.

The minutes of yesterday were read.

Mr. Speaker reported that he had received from the Secretary of the St. Lawrence Inland Marine Assurance Company, a statement of the affairs of that Institution, which is as follows:—

Speaker reports Statement of affairs of St. Lawrence I. M. Assurance Company.

RETURN by the Saint Lawrence Inland Marine Assurance Company for the Year 1837.

Statement:

	£	s.	d.	£	s.	d.
The amount of Capital Stock subscribed is ONE HUNDRED THOUSAND POUNDS,—of which, Ten per Cent., or TEN THOUSAND POUNDS, have been paid in.						
The Funds and Property of the Company consist of the following, viz.:—						
233 Shares Stock in the Bank of Upper Canada, at £12, 10s. each, amounting, at par value, to	2,912	10	0			
138 Shares Stock in the Commercial Bank of the Midland District, at £25 each, amounting, at par value, to	3,450	0	0			
79 Shares Stock in the City Bank of Montreal, at £25 each, amounting, at par value, to	1,975	0	0			
400 Shares Stock in the Gore Bank, at £12, 10s. each, amounting, at par value, to £5,000, on which six instalments, of Ten per Cent. each, have been paid, amounting to	3,000	0	0			
				11,337	10	0
Bills receivable,	765	15	11			
Cash on hand,	166	6	2½	932	2	1½
				£	12,269	12 1½

The Property Insured, of all descriptions, during the past year, amounts to £211,332 15 8½
 The Premium charged on the above amounts to ... £2,036 13 2
 The Amount of Losses paid by the Company is, ... £18 5 0
 There are four Claims for Losses (amount not yet ascertained) which remain unsettled, but supposed not to exceed £600 0 0

Justus S. Merwin, President, and Alpheus Jones, Secretary, of the St. Lawrence Inland Marine Assurance Company, severally make Oath that the above Return is just and correct, according to the best of their knowledge and belief.

J. S. MERWIN,
President.

A. JONES,
Secretary.

Sworn before me at Prescott, }
 this 13th day of January, 1838. }

ALEX'R. McMILLAN, J. P.

Petition brought up

D. Barker and others.

S. Hodgkinson

T. Butler and 82 others.

W. Crofton

J. T. Somerville and 58 others.

The following petitions were severally brought up and laid on the table:—
 By Mr. Cartwright, the petition of David Barker and others, Corporation of the Town of Picton.

By Mr. Rykert, the petition of Samuel Hodgkinson, of the township of Grantham, District of Niagara.

By Mr. Morris, the petition of T. Butler, and eighty-two others, of the District of Niagara.

By Mr. Sherwood, the petition of Walter Crofton, teacher of the District School, Cobourg.

And by Mr. McIntosh, the petition of James T. Somerville, and fifty-eight others, of the township of Whitby, and vicinity, Home District.

Pursuant to the order of the day, the Bond Head Harbour Company Bill was read the third time. Bond Head Harbour bill read third time.

On the question for passing the bill, the yeas and nays were taken as follows: On passing,

Y E A S.

Messieurs *Armstrong, Bockus, Boulton, Burwell, Caldwell, Cook, Cornwall, Dellor, Ferrie, Jarvis, Kearnes, Lewis, Malloch, Marks, McIntosh, McKay, McLean, Murney, Robinson, Rykert, Skade, Solicitor-General, Thomson*—24. Yeas—24.

N A Y S.

Messieurs *McDonell of Stormont, Norton, Shaver, Woodruff*—4. Nays—4.

The question was carried in the affirmative by a majority of twenty, and the bill was passed. Carried, majority 20

Mr. Boulton, seconded by Mr. McDonell of *Northumberland*, moves that the bill be entitled,—

“*An Act to Incorporate certain persons under the style and title of the ‘Bond Head Harbour Company.’*” Title.

Which was carried; and Messrs. Boulton and McDonell of *Northumberland*, were ordered by the Speaker to carry the same up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the bill to protect Sheriffs was read the third time. Bill to protect Sheriffs read third time.

On the question for passing the Bill, On passing,

In amendment, Mr. Robinson, seconded by Mr. Solicitor-General, moves that the bill do not now pass, but that it pass this day four months. Amendment moved

On which the Yeas and Nays were taken, as follows:— Division.

Y E A S.

Messieurs *Armstrong, Bockus, Boulton, Burwell, Caldwell, Cameron, Cartwright, Cook, Cornwall, Dellor, Duncombe of Norfolk, Ferrie, Gowan, Lewis, Malloch, Marks, McCrae, McDonell of Northumberland, McDonell of Stormont, McIntosh, McKay, Morris, Norton, Parke, Robinson, Rykert, Shade, Shaver, Sherwood, Solicitor-General, Thomson, Thorburn, Woodruff*—33. Yeas—33.

N A Y S.

Messieurs *Jarvis, Kearnes, McLean*—3. Nays—3.

The question of amendment was carried in the affirmative by a majority of thirty, and ordered accordingly. Amendment carried, majority 30.

Pursuant to the order of the day, the Brockville Loan and Trust Company Bill was read the third and passed. Brockville Loan and Trust Company bill read 3rd time and passed.

Mr. Sherwood, seconded by Mr. Boulton, moves that the Bill be entitled—
“*An Act to establish a Life Insurance and Loan Company at Brockville, in the District of Johnstown.*” Title.

Which was carried, and Messrs. Sherwood and Boulton were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the following petitions were read:— Petitions read.

Of William Weller, and one hundred and twenty-four others, of the District of Newcastle, praying for the construction of a Macadamized Road in said District. W. Weller and 124 others.

And of W. T. Slater, of the township of Darlington, (Durham) praying to be remunerated for his services and losses during the last American War. W. T. Slater.

Mr. Rykert gives notice that he will, on to-morrow, move for the reading of so much of the Journals of the First Session of the present Parliament as relates to the petition of H. N. Perry and others, of the Niagara District. NOTICES:
Of motion for reading Journals on petition of H. N. Perry and others.

Of Committee of whole on taxing Canada Company's Lands.

Mr. Rykert gives notice that he will on to-morrow, move that this House do resolve itself into a committee of the whole on the subject of Taxing the Lands of the Canada Company, and certain other lands granted by the Crown in this Province.

Select Committee on that part of His Excellency's Speech relating to Losses, present report, and bill to appoint a commission on Losses.

Mr. Jarvis, from the select committee to which was referred that part of His Excellency's Speech at the opening of the present Session, which relates to the indemnification of sufferers by the acts of the rebels, presented a report, and the draft of a bill.

The Report was received.

The Report was read, as follows:—

To the Honourable the House of Assembly.

Your Committee to whom was referred that part of His Excellency's Speech from the Throne relating to losses incurred by Her Majesty's subjects from the outrageous acts of the insurgents, and to pensions to those disabled by wounds, beg most respectfully to report that they have prepared a bill to establish a commission to ascertain such losses, which they most respectfully submit for the adoption of your Honourable House.

Your Committee feel great satisfaction in being able to state that they have every reason to believe that the damages sustained will be found very inconsiderable in amount, and they have also to express their gratification that so few of Her Majesty's subjects have been either killed or wounded in the late unnatural rebellion.

Your Committee feel sensible that your Honourable House will concur with them in thinking that it is the duty of the Legislature to provide liberally for all those of Her Majesty's subjects who have been disabled in her service, and also for the families of such as have been unfortunately killed, and with this view your Committee beg to recommend that it be resolved that it is expedient to grant a sum of money to Her Majesty to provide for the payment of pensions to those of Her Majesty's subjects who have been disabled in her service, and for the families of those who have been unfortunately killed.

That your Committee would beg most respectfully to call the attention of your Honourable House to the murder by the rebels of an old and distinguished officer, the lamented Colonel Moodie, late on the half pay of the 104th Regiment. This distinguished officer served in this Province and was wounded during the late war, and the country is indebted to the regiment as well as to him individually, for many acts of bravery and devotion in its defence. Shortly before his death this unfortunate officer sold his half-pay, by which his family have been deprived of the pensions to which they would have been entitled.

The circumstances under which he met his death, as they have been reported to your Committee, are, that he left his family, although repeatedly threatened with death if he should do so, with the intention of coming to town and giving information of the gathering of the rebels. On his way he was intercepted, and when gallantly endeavouring to force his way through a large party of the rebels with only four persons to aid him, he was shot. Such instances of devotion are not perhaps uncommon; nevertheless your Committee are of opinion that they should not on that account be unrewarded by a grateful country.

Your Committee therefore recommend that it be resolved, that it is expedient to grant a sum of money to Her Majesty, to enable her to provide a pension for the widow and children of the late Colonel Moodie.

All which is most respectfully submitted.

GEORGE S. JARVIS,
Chairman.

*Committee Room, House of Assembly, }
17th January, 1838. }*

Bill read first time.

2nd reading to-morrow.

The Bill was read the first time.

Ordered—That the bill to authorise the appointment of a commission to ascertain, &c. the losses sustained during the recent rebellion, be read a second time to-morrow.

On motion of Mr. Jarvis, seconded by Mr. Kearnes,

Ordered—That that part of the Report just read which relates to pensions, be referred to the committee of supply, and that it be the first item on the order of the day for to-morrow.

That part of the Report relating to Pensions referred to supply to-morrow.

Motion to read that part of the Journals relating to the Hon. the Chief Justice, &c.

Pursuant to notice, Mr. McLean, seconded by Mr. Murney, moves that so much of the Journals of this House, dated 4th February, 1836, as relates to the Hon. the Chief Justice, the Hon. and Rev. Bishop McDonell, and the Hon. and Ven. the Archdeacon of Toronto, be read by the Clerk of this House.

Jan. 17, 1838.]

1st Queen Victoria.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Burwell, Jarvis, Kearnes, Marks, McDonell* of Northumberland, *McLean, Murney, Solicitor-General*—8. Yeas—8.

N A Y S.

Messieurs *Armstrong, Cameron, Cook, Duncombe* of Norfolk, *Dunlop, Gowan, Lewis, McDonell* of Stormont, *McIntosh, Norton, Parke, Rykert, Shade, Shaver, Thorburn, Woodruff*—16. Nays—16.

The question was decided in the negative by a majority of eight.

Lost, majority 8.

Mr. Gowan, seconded by Mr. Cameron, moves, that it be *Resolved*, that this House shall, during the remainder of the Session, meet every day at one o'clock, P. M., instead of ten, as ordered by the first Rule of this House.

Motion for House to meet every day at 1 P. M.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Bockus, Cameron, Cartwright, Deltor, Dunlop, Gowan, Jarvis, Kearnes, Marks, McIntosh, McKay, Norton, Parke, Rykert, Shade, Shaver, Thorburn, Woodruff*—18. Yeas—18.

N A Y S.

Messieurs *Burwell, Cook, Duncombe* of Norfolk, *Lewis, Malloch, McDonell* of Northumberland, *McDonell* of Stormont, *McLean, Murney, Morris, Sherwood, Solicitor General*—12. Nays—12.

The question was carried in the affirmative by a majority of six, and ordered accordingly. Carried, majority 6.

Pursuant to notice, Mr. Thomson, seconded by Mr. Ferrie, moves for leave to bring in a Bill to provide for the more effectual application of Statute labour throughout this Province.

Statute Labour Regulation Bill brought in.

Which was granted, and the Bill was read the first time.

Ordered—That the bill be read a second time to-morrow.

2nd reading to-morrow.

Pursuant to notice, Mr. Solicitor-General, seconded by Mr. Malloch, moves for leave to bring in a Bill to provide for the more speedy attainder of persons indicted for High Treason, who have fled from this Province, or remain concealed therein to escape from justice.

Traitors Attainder Bill brought in.

Which was granted, and the Bill was read the first time.

Ordered—That the Bill be read a second time to-morrow.

2nd reading to-morrow.

On motion of Mr. Cartwright, seconded by Mr. Sherwood,

Ordered—That one hundred copies of the Bill for the more speedy attainder of persons indicted for High Treason, be printed for the use of members.

100 copies to be printed.

Pursuant to the order of the day, the House was again put into a committee of the whole on the Bill to amend the Township Officers' Law.

Bill to amend Township Officers' Law again committed.

Mr. Ferrie in the chair.

The House resumed.

The Chairman reported that the Committee had made some further progress in the Bill, and asked leave to sit again to-morrow. Progress reported.

The Report was received, and leave granted accordingly.

Pursuant to the order of the day, the House was put into a Committee of the whole on the petition of Publius V. Elmore.

House in Committee of Supply on petition of P. V. Elmore.

Mr. Parke in the chair.

The House resumed.

The Chairman reported that the committee had risen.

Committee rises.

The report was received.

Address for information
respecting Addresses on
Trade, Montreal, and St.
Lawrence, ordered.

Pursuant to notice, Mr. Merritt, seconded by Mr. Rykert, moves, that an humble Address be presented to His Excellency the Lieutenant Governor, requesting that His Excellency will inform this House whether any communication has been received from the Colonial Secretary upon the various subjects contained in the Addresses of this House on Trade, and on the subject of the annexation of a Sea-port (Montreal) to Upper Canada,—also on the joint Address of both Houses on the subject of the St. Lawrence;—and that Messrs. McKay and Thomson be a committee to draft and report the said Address.

Which was carried and ordered.

Address reported, read
twice, and committed.

Mr. McKay, from the committee to draft an Address pursuant to the above resolution, reported a draft, which was received and read twice, and referred to a committee of the whole.

Mr. McIntosh in the chair.

The House resumed.

The chairman reported that the Committee had agreed to the Address without amendment, and submitted it for the adoption of the House.

The report was received.

Read 3rd time and passed.

The Address was then read a third time, and passed, and is as follows:

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

MAY IT PLEASE YOUR EXCELLENCY:

Address

We, Her Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to inform this House whether any communication has been received from Her Majesty's Secretary of State for the Colonies, upon the various subjects contained in the Addresses of this House on Trade, on the subject of the annexation of a Sea-port (Montreal) to Upper Canada; also on the joint Address of both Houses on the subject of the Saint Lawrence.

H. RUTTAN,
Speaker.

Commons House of Assembly, }
17th day of January, 1838. }

On motion of Mr. Merritt, seconded by Mr. Thomson,
Ordered—That Messrs. Rykert and McKay be a committee to wait on His Excellency with the Address, and to present the same.

On motion of Mr. Merritt, seconded by Mr. McKay,

Ordered—That all documents submitted to this House, on the subject of the Casual and Territorial Revenue, be referred to the Finance Committee.

All Documents on Casual
and Territorial Revenue
referred to Finance Com-
mittee

Pursuant to notice, Mr. Jarvis, seconded by Mr. Marks, moves for leave to bring in a Bill to alter and amend an Act passed in the fifty-eighth year of the reign of His late Majesty King George the Third, entitled,
“An Act to regulate the Costs in certain cases in the Court of King's Bench.

Which was granted, and the Bill was read the first time.
Ordered—That the Bill be read a second time to-morrow.

2nd reading to-morrow.

Pursuant to the order of the day, the Brockville Gaol Bill was read the second time.

Brockville Gaol Bill read
2nd time and committed.

The House was put into a Committee of the whole on the bill.
Mr. McDonell, *of Stormont*, in the chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

Reported amended.

The report was received.

On the question for the third reading of the bill to-morrow,
 In amendment, Mr. Norton, seconded by Mr. Cameron, moves that
 the bill be not read a third time to-morrow, but that the same be read a
 third time this day three months.

On 3d reading to-morrow.

Amendment moved.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Armstrong, Cameron, Cook, Duncombe*, of Norfolk, *McDonell*, of Stormont, *McIntosh, Merritt, Norton, Parke, Shaver, Thorburn*—11.

Yeas—11.

N A Y S.

Messieurs *Boulton, Burwell, Cartwright, Dellar, Ferrie, Gowan, Jarvis, Lewis, Marks, McKay, McLean, Murney, Morris, Robinson, Sherwood, Solicitor General, Thomson*—18.

Nays—17.

The question of amendment was decided in the negative by a majority
 of six, and the bill was ordered to be engrossed and read a third time to-
 morrow.

Amendment lost,
 majority 6.

On the order of the day for a committee of supply on the Report on
 Petition of Owen Richards being called,

On order of day for Com.
 of Supply on Report on
 petition of O. Richards
 being called.

In amendment, Mr. Armstrong, seconded by Mr. Bockus, moves that
 the House do not now go into committee of supply on the Report of the
 committee on Owen Richards' Petition, but that the said Report be re-
 ferred to a committee of supply on Monday next.

Amendment moved.

Which was carried, and ordered.

Carried.

Pursuant to the order of the day, the House was again put into a
 committee of the whole on the bill to prevent the return, to the Province,
 of persons who absconded during the rebellion.

Bill to prevent return of
 absconding rebels again
 committed.

Mr. McIntosh in the chair.

The House resumed.

The Chairman reported that the Committee had made some further
 progress in the Bill, and asked leave to sit again to-morrow.

Progress reported

The Report was 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 to allow Members to vacate their
 seats.

Members' seats vacation
 bill again committed.

Mr. Armstrong in the Chair.

The House resumed.

The Chairman reported that the Committee had gone through the pro-
 visions of the bill, amended the same, and submitted it for the adoption of
 the House.

Reported amendment.

The report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Third reading to-morrow.

On the order of the day, for the committee of the whole again on the
 bill to determine the authority of the Heir and Devisee Commissioners,
 being called,

On order of day for
 committee of whole on
 Heir and Devisee Com-
 missioners' bill being
 called.

In amendment, Mr. Solicitor General, seconded by Mr. Robinson,
 moves that the House do not now resolve itself into a committee of the
 whole on the Bill, but that the House go into committee on the same on
 Monday next.

Amendment moved.

Which was carried, and ordered.

Carried.

Pursuant to the order of the day, the House was again put into a Com-
 mittee of the whole on the Bill to allow Ministers and Congregations to hold
 lands.

Bill to allow congrega-
 tions to hold lands again
 committed.

Mr. Thomson in the Chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some further progress in the Bill, and asked leave to sit again to-morrow.

The Report was received, and leave granted accordingly.

On order of day for committee of whole on bill to abolish Imprisonment for Debt being called.
Amendment moved.

On the order of the day, for a committee of the whole again on the Bill to abolish Imprisonment for Debt, being called,

In amendment, Mr. Solicitor General, seconded by Mr. Malloch, moves, that the House do not now resolve itself into a committee of the whole on this Bill, but that this House do go into committee on the same on Friday next.

Which was carried and ordered.

Carried.

Bill to amend Township Officers' Law again committed.

Pursuant to the order of the day, the House was again put into a committee of the whole on the Bill to amend the Township Officers' Law.

Mr. Ferrie in the Chair.

The House resumed.

Progress reported.

The Chairman reported that the committee had made some further progress in the Bill, and asked leave to sit again to-morrow.

The Report was received, and leave granted accordingly.

On motion of Mr. Rykert, seconded by Mr. Marks,

Ordered—That the Township Officers' Bill be the first item on the order of the day for to-morrow.

Township Officers' bill first item to-morrow.

Adjourned.

Thursday, 18th January, 1838.

The House met.

The Minutes of yesterday were read.

Brockville Gaol bill read 3rd time.

Pursuant to the order of the day, the Brockville Gaol Bill was read the third time.

On the question for passing the Bill,

Bill re-committed.

In amendment, Mr. Morris, seconded by Mr. Gowan, moves, that the Bill do not now pass, but that it be re-committed for the purpose of amending the second clause.

Which was carried; and the House was put into a Committee of the whole on the Bill.

Mr. Manahan in the Chair.

The House resumed.

Reported amended.

The chairman reported the Bill as amended.

3rd reading to-day.

The report was received, and the Bill, as amended, was ordered to be read a third time this day.

Members' Seats Vacation bill read third time.

Pursuant to the order of the day, the Members' Seats Vacation Bill was read the third time.

On passing.

On the question for passing the Bill, the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—19.

Messieurs *Bockus, Caldwell, Cook, Cornwall, Dellar, Ferrie, Gowan, Jarvis, Kearnes, Marks, McDonell*, of Stormont, *McIntosh, Morris, Norton, Parke, Shade, Shaver, Thomson, Woodruff*—19.

N A Y S.

Nays—6.

Messieurs *Boulton, Burwell, Manahan, McDonell*, of Northumberland, *McLean, Robinson*—6.

Carried, majority 13.

The question was carried in the affirmative by a majority of thirteen, and the Bill was passed.

Mr. Norton, seconded by Mr. Morris, moves that the Bill be entitled,—
“An Act to secure the independence of the Commons House of Assembly of this Province, and for other purposes therein mentioned.” Title.

Which was carried, and Messrs. Norton and Bockus were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Brockville Gaol Bill, as amended, was read the third time. Brockville Gaol bill read 3rd time, as amended

On the question for passing the Bill, the Yeas and Nays were taken, as follows:— On passing.

Y E A S.

Messieurs Bockus, Boulton, Burwell, Ferrie, Gowan, Jarvis, Kearnes, Manahan, Marks, McDonell, of Northumberland, McKay, McLean, Morris, Robinson, Shade, Thomson, Woodruff—17. Yeas—17.

N A Y S.

Messieurs Caldwell, Cook, Cornwall, Dellor, Duncombe of Norfolk, McDonell, of Stormont, McIntosh, Merritt, Norton, Parke, Rykert, Shaver—12. Nays—12.

The question was carried in the affirmative by a majority of five, and the bill was passed. Carried, majority 5

Mr. Morris, seconded by Mr. Gowan, moves that the bill be entitled—
“An Act to authorise the Erection of a Jail and Court-House at Brockville, in the District of Johnstown.” Title.

Which was carried, and Messrs. Morris and Gowan were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the following petitions were read:— Petitions read.

Of Donald McDermid, late Lieutenant in the 1st Regiment Glengarry Militia, praying for the arrears of his pension. D. McDermid.

Of James T. Somerville, and forty-seven others, of the Townships of Whitby, Darlington, and Pickering, and their rear townships, praying that the above townships may be formed into a separate District. J. T. Somerville and 47 others.

And of John Strachan, D. D., and others, Committee of the House of Industry, City of Toronto, praying for further aid towards that Institution. J. Strachan, D. D. and others.

On motion of Mr. Merritt, seconded by Mr. Rykert,

Ordered—That the Petitions of William Fitch and others be referred to the same committee to whom was referred the Petition of Thomas Butler and others. Petitions referred. Petitions of W. Fitch and others.

On motion of Mr. McIntosh, seconded by Mr. McDonell, of Northumberland,

Ordered—That the Petition of James T. Somerville, and forty-seven others of the Township of Whitby and vicinity, be referred to a Select Committee, to consist of Messrs. Cartwright and Parke, with leave to report by bill or otherwise. Of J. T. Somerville and 47 others.

Mr. Merritt, seconded by Mr. Rykert, moves that that part of the Journal which refers to the several petitions of B. Cook and others be now read, and that the 31st rule of this House be dispensed with as far as relates to the same.

Which was carried, and the Journal was read accordingly. Journals read on petitions of B. Cook and others.

(Page 106, Printed Journal, 1st Sess. 13th Parl.)

On motion of Mr. Merritt, seconded by Mr. Rykert,

Ordered—That the subject-matter of the Journals, now read, be referred to the Committee to whom was referred the petition of Thomas Butler and others. Referred.

Message to be sent to L. Council, requesting leave for Mr. Macaulay to attend Select Committee.

On motion of Mr. Thomson, seconded by Mr. McKay,
Ordered—That a Message be sent to the Honourable the Legislative Council, requesting that Mr. Macaulay have leave to attend the Committee of this House to whom was referred the petition of Henry Smith, Warden of the Provincial Penitentiary.

Petition of Dr. Strachan and others referred.

On motion of Mr. Solicitor-General, seconded by Mr. Cook,
Ordered—That the Petition of the Honourable and Venerable John Strachan, and others, be referred to a Select Committee, to consist of Messrs. Boulton, Gowan, Marks, and Shaver, with power to send for persons and papers, and to report thereon.

NOTICES:
Of motion to read Journals on Address censuring conduct of certain Legislative Councillors.

Mr. Manahan gives notice that he will, on to-morrow, move to have read that part of the Journals of this House that relates to an Address, dated the 5th February, 1836, which Address animadverts upon the public conduct of certain Members of the Honourable the Legislative Council,—with a view to expunge the same, as a wicked and malicious libel.

Of Address for grant of lands to Col. FitzGibbon.

Mr. Merritt, gives notice that he will, on the morrow, move for leave to address Her Majesty to make a grant of land to Colonel FitzGibbon, as a reward for services rendered this Province, during the late war with the United States, subsequently,—and recently, since the breaking out of the rebellion within the Home District.

Address for Correspondence on His Excellency's resignation reported, read twice, and committed.

Mr. Boulton, from the Committee to draft and report an Address on the resolution of this House for correspondence between His Excellency and Her Majesty's Government, on the subject of His Excellency's resignation of the Government, reported a draft, which was received and read twice, and referred to a committee of the whole.

Mr. Robinson in the chair.

The House resumed.

The chairman reported Address without amendment.

3rd reading to-day.

The Report was received, and the Address was ordered to be engrossed and read a third time this day.

Select Committee on Report on Petition of Col. Coffin, of last Session, present Report.

Mr. Boulton, from the Select Committee to which was referred the Report of the Select Committee of last Session, on Petition of Colonel Coffin, presented a Report, which was received and read as follows:—

To the Honourable the Commons House of Assembly.

Report.

The Committee to whom was referred the Report of the Committee of last Session respecting a retired allowance to Colonel Coffin, Adjutant General of Militia,

RESPECTFULLY REPORT,

That in the year 1836, and also in 1837, a Committee of Your Honourable House recommended that a retired allowance of £300 per annum should be made to Colonel Coffin, in consequence of his infirmity and advanced age.

That in pursuance of such recommendation, a bill was introduced, and passed Your Honourable House, for that purpose, last Session, but did not become a law.

That from the long and faithful services of the said Colonel Coffin, Your Committee are induced to recommend that a grant of £300 per annum should be made to him, as a retired allowance.

All which is respectfully submitted.

G. S. BOULTON,
Chairman.

M. BURWELL,
A. MANAHAN.

Committee Room, }
18th January, 1838. }

On motion of Mr. Boulton, seconded by Mr. Burwell,

Ordered—That the report of the committee on the subject of a retired allowance to Colonel Coffin, be referred to the committee of supply.

Report referred to Committee of Supply.

Mr. Merritt, from the Committee on Finance, presented a first report, with the draft of an Address to His Excellency the Lieutenant Governor.

Committee on Finance present Report and Address.

The report was received.

The report was read as follows:—

To the Honourable the Commons House of Assembly.

The Committee to whom is referred the Public Accounts, together with all documents on the subject of the Casual and Territorial Revenue of this Province, respectfully present to your Honourable House, as their first Report, an Address to His Excellency the Lieutenant Governor, for information on the subject of the Casual and Territorial Revenue of this Province, and also of that of the Province of New Brunswick; and which Address your Committee recommend to the adoption of Your Honourable House.

Report.

All which is respectfully submitted.

WM. HAMILTON MERRITT, *Chairman.*

Committee Room, House of Assembly, }
18th January, 1838. }

The Address was read twice and referred to a committee of the whole.

Address read twice and committed.

Mr. Detlor in the chair.

The House resumed.

The Chairman reported the Address without amendment.

The report was received.

The Address was then read the third time, and passed, and is as follows:—

Read 3rd time and passed.

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

MAY IT PLEASE YOUR EXCELLENCY,—

We, her Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to cause to be laid before this House, as early as convenient, such accounts of the Casual and Territorial Revenue as have not been transmitted,—together with what information it may be in Your Excellency's power to communicate on the subject of the said Revenue; and also a copy of any Bill, or the terms upon which the Casual and Territorial Revenue was surrendered to the Province of New Brunswick, if in possession of Your Excellency.

Address.

H. RUTTAN,
Speaker.

Commons House of Assembly, }
18th January, 1838. }

On motion of Mr. Merritt, seconded by Mr. Ferrie,

Ordered—That Messrs. Rykert and Thomson be a Committee to wait on His Excellency, to know when he will be pleased to receive the Address, and to present the same.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to amend the Township Officers' Law.

Bill to amend Township Officers' Law again committed.

Mr. Ferrie in the Chair.

The House resumed.

The Chairman reported that the Committee had made some further progress in the Bill, and asked leave to sit again to-morrow.

Progress reported.

The Report was received, and leave granted accordingly.

Pursuant to the order of the day, the House was put into a Committee of Supply on the Report on Pensions to the sufferers by the Rebellion.

House in Com. of Supply on Report on Pensions to sufferers by the rebellion.

Mr. Murney in the Chair.

The House resumed.

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

Progress reported.

The Report was received, and leave granted accordingly.

Address for correspondence on resignation read third time and passed.

Pursuant to the order of the day, the Address for Correspondence between His Excellency and Her Majesty's Government, on the subject of His Excellency's resignation of the Government of this Province, was read the third time and passed; and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

Address.

We, Her Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to lay before this House the correspondence between Her Majesty's Government and Your Excellency, which induced Your Excellency to tender your resignation of the government of this Province, and also any subsequent correspondence between Her Majesty's Government and Your Excellency on the same subject.

H. RUTTAN,
Speaker.

*Commons House of Assembly, }
18th day of January, 1838. }*

On motion of Mr. Boulton, seconded by Mr. Cartwright,

Ordered—That Messrs. Morris and Jarvis be a Committee to wait on His Excellency, the Lieutenant-Governor, to know when he will be pleased to receive the Address of this House on the subject of the correspondence respecting His Excellency's resignation, and to present the same.

Motion for Address to His Excellency on conduct of Alderman Powell.

Pursuant to notice, Mr. Gowan, seconded by Captain Dunlop, moves that an Address be presented to His Excellency, the Lieutenant-Governor, praying that His Excellency may be pleased to confer upon Alderman John Powell, Mayor-Elect of this City, some mark of His Excellency's favour for the gallant conduct displayed by that gentleman on the night of the fourth day of December last, when, by his intrepidity, and through the mercy of Divine Providence, the capital of Upper Canada was preserved from the awful effects of a premeditated attack by a band of rebels and plunderers.

Amendment moved to refer subject to Select Committee

In amendment, Mr. Boulton, seconded by Mr. Murney, moves, that, after the word "moves," the whole be expunged, and that the subject of Mr. Alderman Powell's conduct at the commencement of the late Rebellion be referred to a Select Committee, to consist of Messrs. Gowan and Morris, to report thereon.

Carried

Which was carried.

The original motion, as amended, was then put and carried.

Address for Despatches on Rectories ordered.

Pursuant to notice, Mr. Morris, seconded by Mr. Gowan, moves that an humble Address be presented to His Excellency, the Lieutenant-Governor, praying that he will be pleased to lay before this House copies of any despatches received from Her Majesty's Government on the subject of the establishment of Rectories in this Province, and copies of all other communications that may have been received upon that subject, and upon the appropriation of the Clergy Reserves,—and that Messrs. McKay and Cameron be a Committee to draft, report, and present the same.

Which was carried.

Address reported, read twice, and committed.

Mr. Cameron, from the Committee to draft an Address founded on the above Resolution, reported a draft, which was received and read twice, and referred to a committee of the whole.

Mr. Boulton in the chair.

The House resumed.

Reported amended.

The chairman reported the Address as amended.

3rd reading to-day.

The report was received, and the Address was ordered to be engrossed and read a third time this day.

Pursuant to notice, Mr. Rykert, seconded by Mr. Ferrie, moves that so much of the Journals of the 1st Session of the present Parliament as relates to the petition of H. N. Perry and others of the Niagara District, be now read.

Journal read on Petition of H. N. Perry and others, and referred.

Which was carried, and the Journals were read accordingly.

(Page 236—*Printed Journal.*)

On motion of Mr. Rykert, seconded by Mr. Caldwell,

Ordered—That that part of the Journals of the first Session of the present Parliament, just read, be referred to a Select Committee, to be composed of Messrs. Merritt and Robinson, with power to report thereon by bill or otherwise.

Mr. Shade, seconded by Captain Dunlop, moves that it be *Resolved*, That an humble Address be presented to His Excellency, the Lieutenant-Governor, requesting His Excellency to furnish this House, with as little delay as possible, a copy of the documents accompanying His Excellency's Message of 13th of February last, on the subject of the Agreement between His Majesty's Government and the Canada Company, which documents have been lost or mislaid, and have not been printed, as directed by an order of this House of 22nd February last, whereby the Journals of this House are incomplete; that Messrs. Ferrie and Cornwall be a Committee to draft and report said Address,—and that the 40th Rule of this House be suspended so far as relates to the same.

Address for certain Documents of the Canada Company, ordered.

Which was carried.

Mr. Robinson, from the Select Committee to which was referred the petition of John Gamble, Esq., presented a report, which was received and read, as follows:

Select Committee on Petition of J. W. Gamble, present report.

To the Honourable the Commons House of Assembly.

The Select Committee to whom was referred the petition of John Gamble, Esquire, Chairman of the Quarter Sessions of the Home District, report as follows:—

Report.

That in consequence of the present state of the Home District, it is inexpedient to impose an additional tax on the inhabitants for the purpose of building the new Jail already commenced; particularly as the said Jail was to be built from the proceeds of the site of the old one, and the buildings on it, which Your Committee believe in ordinary times would have been quite sufficient and practicable.

By the petition of the Chairman of the Quarter Sessions, the loan of a sum not exceeding Fifteen Thousand Pounds is prayed for. Your Committee, considering the importance of having a sufficient Jail and Court House in the City of Toronto, where, from the circumstance of its being the seat of government, a greater number of prisoners are generally confined than in other Districts, would recommend that the prayer of the petition should be complied with to the extent that it may be made to appear, to the satisfaction of Your Hon. House, funds can be relied on to meet the interest of the sum loaned, and ultimately redeem the principal, without the Provincial Revenue ever being called on for that purpose.

All which is respectfully submitted.

JOHN B. ROBINSON,

Chairman.

Committee Room, }
18th January, 1838. }

On motion of Mr. Robinson, seconded by Mr. McIntosh,

Ordered—That the Report of the Select Committee on the Petition of J. W. Gamble, Esq., Chairman of the Quarter-Sessions of the Home District, be referred to a Committee of Supply on to-morrow.

Report referred to Committee of Supply.

Pursuant to notice, Mr. Rykert, seconded by Mr. Shade, moves that the House do now resolve itself into a Committee of the whole, for the purpose of taking into consideration the propriety of taxing the lands of the Canada Company, and certain other wild lands in this Province.

House in committee on taxing Canada Company's Lands.

Which was carried, and the House was put into a committee of the whole accordingly.

Mr. Marks in the chair.

The House resumed.

Resolution reported.

The Chairman reported that the Committee had agreed to a Resolution, which he was directed to submit for the adoption of the House.

The report was received.

The Resolution was put as follows:—

Resolution

Resolved—That a tax not exceeding one penny in the pound be levied and collected on all lands held by the Canada Company, and upon all other lands granted by the Crown which have not been surveyed and returned under the authority of the Surveyor-General of this Province.

Division on Resolution.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—20.

Messieurs *Armstrong, Bockus, Caldwell, Cameron, Deltor, Ferrie, Gowan, Kearnes, Marks, McDonell, of Stormont, McIntosh, McKay, McLean, Merritt, Morris, Robinson, Rykert, Shade, Thomson, Thorburn*—20.

N A Y S.

Nays—2.

Messieurs *Attorney-General, Solicitor-General*—2.

Carried majority 18.

The question was carried in the affirmative by a majority of eighteen, and the Resolution was adopted.

On motion of Mr. Rykert, seconded by Mr. Cameron,

Committee to draft Bill on Resolution.

Ordered—That Messrs. Merritt and Shade be a committee to draft and report a bill pursuant to the Resolution of this House.

P R E S E N T.

No Quorum.

Messieurs *Armstrong, Attorney General, Bockus, Caldwell, Cameron, Deltor, Ferrie, Gowan, Kearnes, Marks, McIntosh, McKay, McLean, Merritt, Morris, Robinson, Rykert, Shade, Solicitor-General, Thomson, Thorburn*—21.

At 5 o'clock, P. M., the Speaker declared the House adjourned for want of a quorum.

Friday, 19th January, 1838.

The House met.

The minutes of yesterday were read.

Address on Rectories read third time and passed

Pursuant to the order of the day, the Address to his Excellency the Lieutenant Governor for copies of any despatches relative to Rectories, was read the third time and passed, and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

Address.

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly pray that Your Excellency will be pleased to lay before this House, copies of any despatches that may have been received from the Imperial Government on the subject of the establishment of Rectories in this Province; and copies of all other communications bearing upon this subject, or which relate to the disposal or appropriation of the Clergy Reserves.

H. RUTTAN,
Speaker.

*Commons House of Assembly, }
19th January, 1838. }*

The Master in Chancery brought down from the Hon. the Legislative Council, several messages, and the bill entitled, "*An Act to protect the public against injury from Mills, Machinery, &c., and for other purposes therein mentioned,*" to which that Hon. House had made some amendments; and also the bill entitled, "*An Act to prevent the training of persons to the use of arms, and to the practice of military evolutions and exercises, and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace,*" the amendments to which by that Hon. House had been amended by this House, and which latter amendments that Hon. House had amended, and requested the concurrence of this House thereto.

Message from Legislative Council.
Machinery Bill sent down amended by Legislative Council.

Amendments to Training Bill sent down amended.

The Messages were read by the Speaker, as follows:—

Messages from Legislative Council.

MR. SPEAKER,

The Legislative Council has passed the bill sent up from the Commons House of Assembly, entitled "*An Act to incorporate sundry persons under the name of the Kingston Marine Railway Company,*" without any amendment.

Kingston Marine Railway Company Bill passed.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Seventeenth day of January, 1838. }

MR. SPEAKER,

The Hon. John Macaulay has leave to attend a Select Committee of the Commons House of Assembly, as desired by them in their Message received this day, if he thinks fit.

Leave to Mr. Macaulay to attend Select Committee.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Eighteenth day of January, 1838. }

MR. SPEAKER:

The Legislative Council has passed the Bill sent up from the Commons House of Assembly, entitled, "*An Act to incorporate certain Persons under the style and title of the Waterloo Bridge Company*"—and also the Bill entitled "*An Act to authorise the Justices of the Peace of the District of Talbot to levy an additional assessment to liquidate the cost of the erection of the Gaol and Court House for that District, and other purposes therein mentioned*"—without any amendment.

Waterloo Bridge Company Bill passed.
Talbot Tax Bill passed.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Nineteenth day of January, 1838. }

The amendments made by the Honourable the Legislative Council, in and to the Bill sent up from this House, entitled, "*An Act to protect the public against injury from Mills, Machinery, &c., and for other purpose therein mentioned,*"

Amendments to Machinery Bill read first time.

Were read the first time as follows:—

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

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Seventeenth day of January, 1838. }

The amendments were then read the second time.

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

Mr. Rykert in the Chair.

The House resumed.

Read 2nd time and committed.

The Chairman reported that the Committee had agreed to the amendments, and submitted them for the adoption of the House.

The report was received.

Mr. Boulton, seconded by Mr. Cartwright, moves, that the amendments of the Legislative Council, to the Bill to protect the public from injury from Machinery, be concurred in, and that the 40th Rule of this House be dispensed with for that purpose.

Which was carried, and the amendments were concurred in.

Messrs. Boulton and Cartwright were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the amendments.

The amendments made by the Honourable the Legislative Council, in and to the amendments made by this House in and to the amendments made by the Honourable the Legislative Council, in and to the Bill sent up from this House, entitled,

“*An Act to prevent the training of persons to the use of Arms, and to the practice of Military Evolutions and Exercises, and to authorize Justices of the Peace to seize and detain Arms collected or kept for purposes dangerous to the public peace*”—

Were read the first time, as follows:—

In the amendment of the Assembly—After the word “that,” insert “the fourth, fifth, and sixth clauses of”—

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber,
Seventeenth day of January, 1838. }

Amendments read second time and committed.

The amendments were then read the second time.

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

Mr. Boulton in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to the amendments, and submitted them for the adoption of the House.

The report was received.

Motion that amendments be concurred in.

Mr. Boulton, seconded by Mr. Cartwright, moves that the amendments of the Hon. the Legislative Council to the amendments of this House to the amendments of the Legislative Council, be now concurred in, and that the 40th rule of this House be dispensed with so far as relates to the same.

On which the Yeas and Nays were taken, as follows:—

Division.

Y E A S.

Yeas—32.

Messieurs *Armstrong, Boulton, Burwell, Caldwell, Cameron, Cartwright, Cornwall, Deilor, Duncombe of Norfolk, Dunlop, Ferrie, Gowan, Kearnes, Lewis, Malloch, Manahan, Marks, McDonell, of Northumberland, McKay, McLean, Murney, Powell, Richardson, Robinson, Rykert, Shade, Sherwood, Solicitor General, Thomson, Thorburn, Wickens, Woodruff*—32.

N A Y S.

Nays—6.

Messieurs *Bockus, Cook, McDonell of Stormont, Norton, Parke, Shaver*—6.

Carried, majority 26.

The question was carried in the affirmative by a majority of twenty-six, and the amendments were concurred in.

Messrs. Boulton and Cartwright were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the amendments.

Pursuant to the order of the day, the following petitions were read:— Petitions read.

Of Samuel Hodgkinson, of the township of Grantham, District of Niagara, praying for the arrears of his pension. S. Hodgkinson

Of T. Butler, and eighty-two others, of the District of Niagara, praying that the "Swamp Road," leading from Niagara to the Ten Mile Creek, may be macadamized. T. Butler and 82 others.

Of Walter Crofton, Teacher of the District School at Cobourg, praying for assistance to repair his school-house. W. Crofton.

And of James T. Somerville, and fifty-eight others, of the township of Whitby and vicinity, (Home District) praying for the construction of a Rail-road, or Macadamized Road, from Windsor Harbour to the main York Road. J. T. Somerville and 58 others.

On motion of Mr. Rykert, seconded by Mr. Richardson, Petitions referred

Ordered—That the Petition of Samuel Hodgkinson be referred to the Committee of Supply. Of S. Hodgkinson.

On motion of Mr. Sherwood, seconded by Mr. Murney,

Ordered—That the Petition of Walter Crofton be referred to a Select Committee, to be composed of Messrs. Boulton and Gowan, with power to send for persons and papers, and to report thereon by bill or otherwise. Of W. Crofton.

On motion of Mr. Boulton, seconded by Mr. Cartwright,

Ordered—That the Petition of William Weller and others be referred to the Committee of Supply. Of W. Weller and others.

On motion of Mr. Cartwright, seconded by Mr. Boulton,

Ordered—That the petition of David Barker and J. Millar be referred to a Select Committee, consisting of Messrs. Armstrong and Detlor, with leave to report by Bill or otherwise. Of D. Barker & J. Millar

On motion of Mr. Richardson, seconded by Captain Dunlop,

Ordered—That the petition of Thomas Butler, and others, be referred to a Select Committee, to be composed of Messrs. Rykert, Woodruff, Merritt, and Thorburn, to report thereon by Bill or otherwise. Of T. Butler and others.

Mr. Richardson gives notice, that he will, on Thursday next, move for leave to bring in a Bill to disfranchise any inhabitant of this Province (not exempted by law) who shall refuse to take up arms in defence of the Province when invaded. NOTICES:
Of Bill to disfranchise persons refusing to arm in defence of the Province.

Mr. Richardson gives notice that he will, on Thursday next, move for leave to bring in a Bill to prevent the expenditure of any Public Moneys raised by Debenture upon the credit of the Province, until ways and means are provided by the Legislature for payment of the interest upon the moneys so raised. Of Bill to delay expenditure of proceeds of Debentures.

Mr. Rykert, from the Committee to wait on His Excellency, the Lieutenant-Governor, with the Address requesting information concerning the Addresses to His Majesty which passed this House last Winter Session, reported delivering the same, and that His Excellency had been pleased to make thereto the following Answer:— Committee to wait on His Excellency with Address respecting Addresses of last winter, report answer.

GENTLEMEN,—

I shall transmit, without delay, for the information of the House of Assembly, copies of the Despatches which I have received from the Secretary of State for the Colonies on the subjects mentioned in this Address. Answer.

Mr. Cartwright, from the Select Committee to which was referred the Petition of D'Arcy Boulton, Esq., presented a Report and the draft of an Address to Her Majesty. Select Committee on petition of D. Boulton, Esq. report Address & Report.

The Report was received.

The Report was read, as follows :—

To the Honourable the Commons House of Assembly, in Provincial Parliament assembled.

Report.

The Committee, to whom was referred the petition of D'Arcy Boulton, Esquire, late Auditor General,

RESPECTFULLY SHEWETH,

That Your Committee, having taken the matter referred to them, into their consideration, have agreed to an Address to Her Majesty, which they beg to submit for the adoption of Your Honourable House.

All which is most respectfully submitted.

JOHN S. CARTWRIGHT,
Chairman.

*Committee Room, House of Assembly, }
19th January, 1838. }*

Address read twice and committed.

The Address to Her Majesty was read twice, and referred to a committee of the whole.

Mr. Shaver in the Chair.

The House resumed.

Committee rises.

The Chairman reported that the Committee had risen.

On receiving report:

On the question for receiving the Report, the Yeas and Nays were taken as follows :—

Y E A S.

Yeas—22.

Messieurs *Bockus, Cook, Cornwall, Duncombe*, of Norfolk, *Dunlop, Ferrie, Gowan, Kearnes, Lewis, Malloch, McIntosh, McKay, Merritt, Morris, Powell, Rykert, Shade, Shaver, Thomson, Thorburn, Wickens, Woodruff*—22.

N A Y S.

Nays—14.

Messieurs *Attorney General, Boulton, Burwell, Cartwright, Deilor, Manahan, Marks, McDonell* of Northumberland, *McDonell* of Stormont, *Murney, Norton, Richardson, Robinson, Solicitor General*—14.

Carried, majority 8.

The question was carried in the affirmative by a majority of eight, and the report was received.

Select Committee on Contingencies report Covering Bill.

Mr. Bockus, from the committee on Contingencies, reported a bill to cover the contingencies of the two last Sessions of Parliament.

Bill read first time.

The report was received, and the Bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

Committee to draft Bill taxing Canada Company's Lands, report bill.

Mr. Shade, from the committee to draft and report a bill founded on the resolution of this House for taxing the Canada Company's lands, reported a draft, which was received and read the first time.

Bill read first time.

Ordered—That the bill to tax the lands of the Canada Company be read a second time to-morrow.

2nd reading to-morrow.

Select Committee on Common School regulation Bill, report the Bill.

Mr. Thomson, from the Select Committee to which was referred the Common School Regulation Bill, reported the bill.

Bill read first time.

The report was received, and the Bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

100 copies of the Bill to be printed.

On motion of Mr. Sherwood, seconded by Mr. Rykert,
Ordered—That 100 copies of the Common School Bill be printed for the use of members.

Select Committee on petition of R. Edmondson present Report.

Mr. Sherwood, from the select committee to which was referred the petition of Robert Edmondson, presented a report, which was received, and read as follows :

To the Honourable the Commons House of Assembly.

Report:

The Committee to whom was referred the petition of Robert Edmondson, of Brockville, in the District of Johnstown, beg leave to make the following report :

The petitioner states that he is a Surgeon and Physician, and that in the year 1832, when the

Cholera first made its appearance in this Province, he was called upon to attend emigrants, and others, in the Hospital, who were afflicted with that malady. That he attended, during that season, one hundred and ten days, and that in the year 1834, when it again broke out in Brockville, he was called upon to render his professional services to those who were attacked with the disease, and that he attended at the Hospital for that purpose, in the latter year, eighty-six days, for which services he has never received any remuneration.

Your Committee, upon making inquiry, have satisfied themselves that the statement made by your petitioner is correct, and that he is entitled to some remuneration for his services.

Your committee therefore recommend that there be granted to the said Robert Edmondson the sum of £75, in full satisfaction for his said services.

All which is respectfully submitted.

H. SHERWOOD,
Chairman.

Committee Room, }
19th January, 1838. }

Mr. Rykert, from the Committee to wait on His Excellency the Lieutenant-Governor with the Address of this House, requesting certain documents respecting the Casual and Territorial Revenue, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:—

Committee to wait on His Excellency with Address for Casual and Territorial Revenue Accounts, report answer.

GENTLEMEN:—

I request you will acquaint the House of Assembly that I will give immediate directions for the preparation of copies of the Accounts, and other documents mentioned in this Address, for the information of the House.

Answer.

On motion of Mr. Sherwood, seconded by Mr. Gowan,

Ordered—That the report upon the petition of Robert Edmondson be referred to a committee of Supply, on to-morrow.

Report on Petition of R. Edmondson referred to Committee of Supply.

Mr. Cartwright, from the Select Committee to which was referred the bill to regulate the practice of the District Courts, reported the Bill.

Select Committee on District Courts practice Bill, report the Bill.

The Report was received, and the Bill was read the first time.

Bill read first time.

Ordered—That the Bill be read a second time to-morrow.

2nd reading to-morrow.

On motion of Mr. Sherwood, seconded by Mr. Boulton,

Ordered—That 100 copies of the District Court Bill be printed for the use of Members.

100 copies to be printed.

Mr. Rykert, from the Committee to draft and report an Address to His Excellency the Lieutenant-Governor for copies of documents accompanying His Excellency's Message of last Winter Session, respecting the Canada Company, reported a draft, which was received, and read the first time.

Address for documents respecting Canada Co'y. reported and read 1st time.

Ordered—That the Address be read a second time to-morrow.

2nd reading to-morrow.

Mr. Thorburn, from the Select Committee to which was referred that part of the Journals of last Session which relates to the Petitions of B. Cook and others, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit, whenever the House would be pleased to receive the same.

Select Com. on petitions of B. Cook and others of last Session, reported Norfolk and Haldimand wild land tax bill.

The Report was received, and the bill was read the first time.

Bill read first time.

Ordered—That the Norfolk and Haldimand Wild Land Tax Bill be read a second time to-morrow.

2nd reading to-morrow.

Mr. Merritt, from the Select Committee to which was referred the petitions of T. Butler, and one hundred and sixty-one others, and of W. Fitch, and fifty-one others, presented a report, which was received and read as follows:—

Select Com. on petitions of T. Butler and 161 others, and of W. Fitch and 51 others, present report.

To the Honourable the Commons House of Assembly.

Your Committee, to whom was referred the petitions of Thomas Butler, and one hundred and sixty-one others, and of W. Fitch, and others, praying for a grant of £12,500,

Report.

to be expended on the Great Canboro' Road, for the purpose of preparing the same for macadamization, on the same terms as granted to other Districts within this Province, beg leave to report,— That they find no public money has been granted for that road by the Bill which passed this House to make a grant last Session.

Your Committee therefore recommend to Your Honourable House to grant the prayer of the petition.

All of which is most respectfully submitted.

WM. HAMILTON MERRITT,

Chairman.

Committee Room, }
19th January, 1838. }

On motion of Mr. Merritt, seconded by Mr. Cornwall,

Ordered—That the Report of the Committee, on the petition of Thomas Butler, and sundry freeholders of the County of Haldimand, be referred to the Committee of Supply.

Report referred to Committee of Supply.

Mr. Merritt, from the Select Committee to which was referred that part of the Journals of the last winter Session, which relates to the petition of H. N. Perry, and others, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Select Com. on petition of H. N. Perry and others, (last winter session) report Grantham Navigation Company Bill.

The Report was received, and the Bill was read the first time.

Bill read first time.

Ordered—That the Grantham Navigation Company bill be read a second time to-morrow.

2nd reading to-morrow.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to amend the Township Officers' Law.

Township Officers' Bill again committed.

Mr. Ferrie in the chair.

The House resumed.

Reported amended.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

The report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Bill to amend Chancery Court Act, brought in.

Pursuant to notice, Mr. Sherwood, seconded by Mr. Boulton, moves for leave to bring in a Bill to amend the Act authorizing the establishment of a Court of Chancery.

Which was granted, and the Bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

Bill to amend Welland Canal Charter brought in.

Pursuant to notice, Mr. Robinson, seconded by Mr. Merritt, moves for leave to bring in a Bill to amend the Charter of the Welland Canal Company.

Which was granted, and the Bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

Bill to appoint a Commission on Losses, read 2nd time and committed.

Pursuant to the order of the day, the Bill authorising the appointment of a Commission, to ascertain the Losses incurred during the recent rebellion, was read the second time.

The House was put into a Committee of the whole on the bill.

Mr. Powell in the chair.

The House resumed.

Committee rises.

The Chairman reported that the Committee had risen.

On receiving report,

On the question for receiving the Report, the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs *Armstrong, Bockus, Boulton, Burwell, Caldwell, Cameron, Cook, Deilor, Duncombe* of Norfolk, *Ferrie, Malloch, McDonell* of Northumberland, *McDonell* of Stormont, *McIntosh, McKay, Merritt, Morris, Norton, Parke, Powell, Shade, Shaver, Sherwood, Thorburn, Wickens, Woodruff*—26. Yeas—26.

N A Y S.

Messieurs *Jarvis, Manahan, McLean, Murney*—4. Nays—4.

The question was carried in the affirmative by a majority of twenty-two, and the Report was received. Carried, majority 22.

Pursuant to the order of the day, the Bill to regulate the future application of Statute Labour was read the second time. Statute Labour Regulation Bill, read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Wickens in the chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again to-morrow. Progress reported.

The Report was received, and leave granted accordingly.

Adjourned.

Saturday, 20th January, 1838.

The House met.

The minutes of yesterday were read.

The following Petitions were severally brought up, and laid on the table :— Petitions brought up :

By Mr. Boulton, the Petition of H. S. Reid and thirty-four others, of the Township of Darlington, &c., District of Newcastle. H. S. Reid and 34 others.

By Mr. Morris, the Petition of Stewart Nichol and Thomas Scott, late of Edinburgh. S. Nichol and T. Scott.

By Mr. Norton, the Petition of Daniel Burritt, and sixty-eight others, of the Townships of Marlborough and Oxford, District of Johnstown. D. Burritt and 68 others.

And by Mr. Shade, the Petition of H. W. Peterson and Co., proprietors of the "Canada Museum," published at Berlin, District of Gore. H. W. Peterson & Co.

Pursuant to the order of the day, the Bill to amend the 'Township Officers' Law was read the third time. Township Officers' Bill read 3rd time.

On the question for passing the Bill, the Yeas and Nays were taken, as follows :— On passing,

Y E A S.

Messieurs *Armstrong, Attorney-General, Bockus, Boulton, Burwell, Cartwright, Cornwall, Deilor, Dunlop, Ferrie, Gowan, Kearnes, Lewis, Manahan, Marks, McCrae, McDonell*, of Northumberland, *McKay, McLean, Merritt, Murney, Morris, Powell, Rykert, Shade, Sherwood, Solicitor-General, Thomson, Woodruff*—30. Yeas—30.

N A Y S.

Messieurs *Cook, Malloch, McDonell*, of Stormont, *McIntosh, Norton, Shaver, Thorburn*—7. Nays—7.

The question was carried in the affirmative by a majority of twenty-three, and the bill was passed. Carried, majority 23.

Mr. Marks, seconded by Mr. Deilor, moves that the Bill be entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers." Title.

Which was carried, and Messrs. Marks and Deilor were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Petitions referred:

Of John Farrell.

On motion of Mr. Morris, seconded by Mr. Sherwood,

Ordered—That the petition of John Farrell be referred to a Select Committee, consisting of Messrs. Gowan and Norton, with power to send for persons and papers, and to report to this House.

On motion of Mr. McIntosh, seconded by Mr. Parke,

Of J. T. Somerville
and 55 others.

Ordered—That the petition of Jas. T. Somerville, and fifty-eight others, be referred to a Select Committee, to consist of Messrs. Norton, Boulton, and Parke, with leave to report by Bill or otherwise.

NOTICES:

Of Select Com. on Fees
C. C. Chancery.

Mr. Murney gives notice, that he will, on Monday next, move for the appointment of a Select Committee, to inquire into, and report, the amount of Fees received by the Clerk of the Crown in this Province for the last two years, and on what account the same were received, and upon other matters connected with his office.

Of Bill to amend Act for
increasing the number of
Judges, as respects
Hilary Term.

Mr. Murney gives notice, that he will, on Monday next, move for leave to bring in a Bill to repeal so much of an Act entitled,

“An Act to increase the present number of Judges of His Majesty’s Court of King’s Bench in this Province, and to alter the terms for the sittings of the said Court, and for other purposes therein mentioned”—

As relates to the sitting of Hilary Term.

Address for correspond-
ence on capture of the
“Ann,” ordered.

Mr. Sherwood, seconded by Mr. Solicitor General, moves that it be **Resolved**, That an humble address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will transmit, for the information of this House, copies of all correspondence and papers having any reference to the capture of the piratical Schooner “Ann,” by the men of Kent, off the town of Amherstburg in the Western District; and that the 31st rule of this House be dispensed with so far as relates to the same, and that Messrs. Caldwell and Cornwall be a committee to draft, report, and present the said Address.

Which was carried, and ordered.

Committee of Privilege
present report.

Mr. Gowan, from the committee of privilege, presented a report, which was received and read:

(REPORT—See *Appendix*.)

Chas. Duncombe, Esq.
M. P. for Oxford, expelled.

Mr. Gowan, seconded by Mr. Morris, moves, that as it appears from the report of a select committee of privilege, together with the evidence thereunto appended, that Charles Duncombe, Esq., a member of this House for the County of Oxford, was in arms with divers other rebels against Her Majesty, in the month of December last past, and that the said Charles Duncombe has fled from justice, that he be therefore expelled this House.

Which was carried.

Speaker to issue his war-
rant for writ of election
for member in room of C.
Duncombe, Esq. expelled.

Mr. Gowan, seconded by Mr. Morris, moves that the Speaker do issue his warrant to the Clerk of the Crown in Chancery to make out a writ for the election of one Knight of the Shire, to represent the County of Oxford in this present Parliament, in the room of Charles Duncombe, Esq., expelled.

Which was carried.

Motion to expel J. Rolph,
Esq. M. P. for Norfolk.

Mr. Gowan, seconded by Mr. Solicitor General, moves, that this House, being satisfied from the report of, and the evidence taken before, the select committee of privilege, that John Rolph Esq., a member of the House for the County of Norfolk, combined, conspired, and confederated, with the rebels who took up arms in the Province against Her Majesty in the month of December last past, and that the said John Rolph has fled from justice to the United States of America, that therefore the said John Rolph be expelled this House.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs *Armstrong, Bockus, Boulton, Burwell, Caldwell, Cameron, Cartwright, Cook, Cornwall, Deltor, Duncombe, Dunlop, Ferrie, Gowan, Jarvis, Kearnes, Lewis, Manahan, Marks, McCrae, McDonell*, of Northumberland, *McDonell*, of Stormont, *McIntosh, McLean, Merrit, Murney, Morris, Norton, Powell, Rykert, Shade, Shaver, Sherwood, Solicitor General, Thomson, Thorburn, Woodruff*—37. Yeas—37.

N A Y S.

Messieurs *Malloch, Parke*—2. Nays—2.

The question was carried in the affirmative by a majority of thirty-five. Carried, majority 35.

Mr. Gowan, seconded by Mr. Morris, moves that the Speaker do issue his warrant to the Clerk of the Crown in Chancery, to make out a writ for the election of one Knight of the Shire, to serve in this present parliament, for the County of Norfolk, in the room of John Rolph Esq., expelled this House. Speaker to issue his warrant for writ of election for member in room of J. Rolph, Esq. expelled.

Which was carried.

Mr. Cartwright, from the Select Committee to which was referred the petition of D. Barker and James Miller, Board of Police, town of Picton, presented a report which was received and read as follows: Select Com. on petition of D. Barker present report.

To the Honourable the Commons House of Assembly.

The Committee to whom was referred the petition of David Barker and James Miller beg leave to report: Report.

That the petitioners assume to be "the Corporation of the Town of Picton, District of Prince Edward," yet Your Committee cannot recognise them as such, as the signature of but one member of the Corporation is attached to the petition, and that not of the President or Chairman.

Your Committee would further remark, that they consider the object contemplated by the petition to be of such a nature as by the 39th rule of Your Honourable House to require a notice to be inserted in the Upper Canada Gazette, which has not been complied with.

Your Committee therefore cannot recommend a compliance with the prayer of the petition.

All which is respectfully submitted.

JOHN S. CARTWRIGHT,
Chairman.

Committee Room,
20th January, 1838. }

The Clerk of the Honourable the Legislative Council brought down from that Honourable House the bill entitled,—

"An Act to authorize the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District,"—Huron District Bill sent down amended by Legislative Council.

And the bill entitled,—

"An Act to amend an Act passed in the 7th year of the reign of His late Majesty King William the Fourth, entitled 'An Act to raise a sum of money to macadamize the roads leading from Brockville to St. Francis, Charleston, Lyndhurst, Beverly, and Portland, in the District of Johnstown, and to authorize the erection of toll gates on the said roads,'"—Bill to amend Johnstown District Road Act sent down amended by Legislative Council.

to which that Honourable House had made some amendments, and requested the concurrence of this House thereto.

The amendments made by the Honourable the Legislative Council in and to the bill sent up from this House entitled,—Amendments to Huron District Bill read 1st time.

"An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District"—

Were read the first time as follows:—

Press 1, line 3—After "Huron," expunge to "should," in line 7.

" " " 16—After "that," expunge to "it," in line 20, and insert "so soon as it shall be made to appear to the satisfaction of the Lieutenant Governor and the Executive Council of this Province, that a good and sufficient Gaol has been erected therein for the accommodation of Prisoners, and a suitable Court

Amendments.

Amendments.

House for the accommodation of Courts of Justice, and also that the amount of Assessments raised within the said County is sufficient to defray the necessary charges attending a separate District, then"—

- Press 1, line 19—Expunge "and Township aforesaid."
 " " " 22—After "Huron" expunge the whole to the word "into" in Press 2, line 3.
 " 2 " 8—After "County," expunge to "shall be," in line 9.
 " " " 11—After "County," expunge "or Township."
 " " " 12—Expunge "aforesaid."
 " " " 19—After "Court," insert "Surrogate Court."
 " 3 " 20—After "Huron," expunge to "a," in line 21.
 " " " 24—Expunge "days and months already provided for by law in the other Districts of this Province," and insert "on the first Tuesday in January, April, July, and October."
 " 4 " 9—After "Huron," expunge "and Township of Ashfield aforesaid." After "time," insert "it."
 " " " 16—After "Huron," expunge to "shall," in line 17.
 " 5 " 5—After "Huron," expunge to "for," in line 6.
 " " " 6—After "County," expunge to "shall," in line 7.
 " " " 14—After "County," expunge to "when," in line 15.
 " " " 18—After "County," expunge "and Township."
 " 6 " 8—Expunge "and Township."
 " 7 " 5—Expunge "and Township aforesaid."
 " " " 11—Expunge "and Township."
 " " " 13—After "proper," expunge the remainder of the clause, and insert "estimates and proposals for the building of a Gaol and Court House, subject nevertheless, as respects the Gaol, to the provisions of a certain Act of the Parliament of this Province, passed during the present Session, intituled "An Act to regulate the future erection of Gaols in this Province."
 " " —After the word "of," in the last line, expunge "as aforesaid," and insert "agreeably to the Statute passed during the present Session, as aforesaid."
 " 8 line 19—Expunge "and Township of Ashfield."
 " 9 " 6—Expunge "and township." Expunge "are," and insert "is."
 " " " 11—After "Huron," expunge "together with the aforesaid Township of Ashfield."
 " " " 12—Expunge "and township as aforesaid."
 " " " 16—After "County," expunge "and Township."
 " " " 21—Expunge "and township of Ashfield."
 " 10 " 1—Expunge "and Township of Ashfield."
 " " " 4—After "County," expunge "and Township."
 " 11 " 3—After "County," expunge "and."
 " " " 4—Expunge "Township."
 " 12 " 14—Expunge "and Township," in two places.
 " 13 " 10—Expunge "and Township."
 " " —Add to the Bill—"23. *And be it further enacted by the authority aforesaid,* That on any future Survey of the territory lying to the Northward of the said County of Huron, one range of Townships lying immediately contiguous to the Northerly boundary of the said County shall be attached to, and become part of, the said intended new District, and that at any convenient time, subsequently to the Survey of the said range of Townships as aforesaid, it shall and may be lawful to and for the Governor, Lieutenant Governor, or person administering the Government of this Province, by and with the advice and consent of Her Majesty's Executive Council for the affairs thereof, to divide the said new District into two Counties, under such names, and with such limits, as may be expedient."

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
 20th day of January, 1838. }

2nd reading Monday.

Ordered—That the amendments be read a second time on Monday next.

The amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, entitled—

"*An Act to amend an Act passed in the seventh year of the reign of His late Majesty, King William the Fourth, entitled, 'An Act to raise a sum of money to Macadamize the*

Amendments of Legislative Council to Bill to amend Johnstown District Road Act, read 1st time.

Roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverly, and Portland, in the District of Johnstown, and to authorise the Erection of Toll-Gates on the said Roads?—

were read the first time, as follows :—

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

Amendments.

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

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber,
Twentieth day of January, 1838. }

Ordered—That the amendments be read a second time on Monday next.

2nd reading Monday.

Mr. Secretary Cameron came to the bar, and delivered the Public Accounts and Estimates for the current year, together with copy of a Letter from the Inspector-General to Mr. Secretary Joseph, relating thereto.

Mr. Secretary Cameron brings down Public Accounts.

The Schedule of the Public Accounts was read by the Clerk, as follows:—

U P P E R C A N A D A.

SCHEDULE of ACCOUNTS prepared to be laid before the Legislature—Third Session of the Thirteenth Parliament.

- No. 1.—Statement of Monies paid to the Receiver General of Lower Canada, between the 1st July 1836, and the 1st January 1837, for Duties collected at the Port of Quebec.
- 2.—Statement of Monies paid to the Receiver General of Lower Canada, between the 1st January and the 1st July, 1837, for Duties collected at the Port of Quebec.
- 3.—Abstract of Warrants issued on the Receiver General of the Province, from the 5th October to the 31st December, 1836, inclusive.
- 4.—Statement of the Receiver General's Receipts and Payments of the Provincial Revenue, from the 5th October to the 31st December, 1836, inclusive.
- 5.—Account of Revenue from Duties on Imports from the United States of America, from the 1st October to the 31st December, 1836, inclusive.
- 6.—Account of Revenue arising from Duties on Licenses issued for retailing Spirituous Liquors, and for Distilling, from 5th October, 1836, to 5th January, 1837.
- 7.—Account of Revenue arising from Duties on Licenses issued to Hawkers and Pedlars, from the 1st October to the 31st December, 1836.
- 8.—Account of Revenue arising from Duties on Auction Licenses and on Sales at Auction, from the 1st October to the 31st December, 1836.
- 9.—Abstract of Warrants issued on the Receiver General of the Province, from the 1st January to 30th June, 1837, inclusive.
- 10.—The Receiver General's Receipts and Payments, from the 1st January to 30th June, 1837, inclusive.
- 11.—Abstract of Warrants issued on the Receiver General, from the 1st July to the 31st December, 1837.
- 12.—Statement of the Receiver General's Receipts and Payments, from the 1st July to the 31st December, 1837, inclusive.
- 13.—Account of Revenue arising from Duties on Importations from the United States, from the 1st January to 30th September, 1837, inclusive.
- 14.—Account of Revenue from Duties on Licenses for Retailing Spirituous Liquors, from 5th January to 5th October, 1837.

Schedule of Public Accounts.

- 15.—Account of Revenue arising from Duties on Licenses issued to Hawkers and Pedlars, from 1st January to 30th September, 1837, inclusive.
- 16.—Account of Revenue arising from Duties on Licenses issued to Auctioneers and on Sales at Auction, from 1st January to 30th September, 1837, inclusive.
- 17.—Statement of Monies due from Collectors and Inspectors, on the 1st January, 1838, on account of Provincial Duties.
- 18.—Statement of Monies in the hands of late Collectors and Inspectors on the 1st January, 1838.
- 19.—Estimate of the Civil Expenditure of the Province for the year 1838.
- 20.—General Estimate of the Expenditure and Resources of the Province for the year 1838.

GEORGE H. MARKLAND,
INSPECTOR GENERAL.

Inspector General's Office, }
1st January, 1838. }

(ACCOUNTS.—See Appendix.)

The Letter was read by the Clerk, as follows:—

INSPECTOR GENERAL'S OFFICE,
Toronto, 20th January, 1838.

SIR,

I again transmit the Public Accounts herewith, and have the honour to acquaint you, for the information of His Excellency the Lieutenant Governor, that in consequence of the failure of Messrs. Wilson & Co., the remainder of the appropriation for the St. Lawrence Canal is not at present available. If, therefore, it is the intention to proceed with that important work, it will be necessary to provide by law for the sum of £37,000, in anticipation of the payments which may be hereafter made by the before-mentioned Firm.

I have the honor to be,
Sir,

Your most obedient humble Servant,

GEORGE H. MARKLAND,
Inspector General.

JOHN JOSEPH, Esquire,
&c. &c. &c.

On motion of Mr. Sherwood, seconded by Mr. Norton,
Ordered—That 200 copies of the Public Accounts be printed in Journal form for the use of members.

On motion of Mr. Merritt, seconded by Mr. Ferrie,
Ordered—That the Public Accounts be referred to the Committee on Finance.

Pursuant to the order of the day, the bill to provide for the more speedy attainder of traitors was read the second time.

The House was put into a Committee of the whole on the bill.

Mr. Lewis in the chair.

The House resumed.

The Chairman reported that the committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The report was received.

On the question for the third reading of the bill on Monday next, the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs *Armstrong, Attorney General, Boulton, Burwell, Caldwell, Cameron, Cartwright, Cornwall, Deilor, Duncombe, Dunlop, Ferrie, Gowan, Jarvis, Kearnes, Lewis, Malloch, Manahan, Marks, McCrae, McDonell, of Northumberland, McIntosh, McKay, McLean, Morris, Powell, Robinson, Rykert, Shade, Sherwood, Solicitor General, Thorburn*—32.

N A Y S.

Messieurs *Cook, McDonell, of Stormont, Merritt, Norton, Parke, Shaver, Woodruff*—7.

Copy of Letter from Inspector General to Mr. Secretary Joseph, accompanying Public Accounts.

200 copies of the Public Accounts to be printed.

Public Accounts referred to Finance Committee.

Traitors' Attainder Bill read second time and committed.

Reported without amendment.

On 3rd reading Monday.

Yeas—32.

Nays—7.

The question was carried in the affirmative by a majority of twenty-five, and the bill was ordered to be engrossed and read a third time on Monday next. Carried, majority 25.

Mr. Gowan, from the select committee to which was referred the Militia bill, reported the bill. Select Committee on Militia Bill, report Bill.

The Report was received, and the bill was read the first time. Bill read first time.

Ordered—That the Bill be read a second time on Monday next. 2nd reading Monday.

On motion of Mr. Rykert, seconded by Mr. Gowan,

Ordered—That 200 copies of the Bill be printed for the use of members. 200 copies to be printed.

Adjourned.

Monday, 22nd January, 1838.

The House met.

The minutes of Saturday were read.

The following petitions were severally brought up, and laid on the table :— Petitions brought up.

By Mr. Thomson, the petition of John Ryan, of the township of Toronto (York.) John Ryan.

By Mr. Rykert, the petition of James Lockhart and seventy-six others of the town of Niagara. J. Lockhart and 76 others.

By Mr. Boulton, the petition of Robert C. Horne, of the County of York. R. C. Horne.

By Mr. McDonell of *Northumberland*, the petition of the Rev. John Butler, and twenty-nine others, Roman Catholic congregation of Peterborough. Rev. J. Butler and 29 others.

And by Mr. Attorney General, the petition of the Hon. John Henry Dunn, Her Majesty's Receiver General of Upper Canada. Hon. J. H. Dunn.

Pursuant to the order of the day, the bill to provide for the more speedy attainder of persons indicted for high treason was read the third time. Traitors' Attainder Bill read third time.

On the question for passing the Bill,

In amendment Mr. Gowan, seconded by Mr. Cameron, moves that the bill do not now pass, but that the following be added by way of a rider :— Amendment moved.

“ Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to prevent or bar the widow of any person found guilty of high treason, and the property of whom may be confiscated by virtue of this Act, from enjoying and possessing during her widowhood so much of her late husband's property as she would or might be entitled to possess and enjoy by virtue of any law of this Province, had her husband died without being attainted of high treason as aforesaid.”

On which the Yeas and Nays were taken as follows :—

Division.

Y E A S.

Messieurs *Armstrong, Cameron, Cook, Gowan, Manahan, McDonell* of Stormont, *McIntosh, McKay, Morris, Norton, Parke, Shaver, Thorburn, Woodruff*—14. Yeas—14.

N A Y S.

Messieurs *Boulton, Burwell, Caldwell, Cartwright, Chisholm* of Halton, *Cornwall, Dettlor, Dunlop, Ferrie, Jarvis, Kearnes, Lewis, Marks, McCrae, McDonell* of Northumberland, *McLean, Merritt, Murney, Powell, Robinson, Rykert, Shade, Sherwood, Solicitor-General, Thomson*—25. Nays—25.

The question of amendment was decided in the negative by a majority of eleven. Amendment lost, majority 11.

Another amendment moved.

In amendment Mr. Solicitor General, seconded by Mr. Sherwood, moves that the bill do not now pass, but that the following be added as a rider :--

Provided always, and be it, &c. That if any person against whom any such judgment of attainder shall have been entered shall, within three calendar months next after the day of entry of such judgment, surrender themselves to the custody of the Sheriff of the Home District, and by the oath of two credible witnesses shall establish to the satisfaction of the Court of King's Bench, that such person was actually and *bona fide* prevented from surrendering himself pursuant to the exigency of such proclamation by reason of absence beyond seas, sickness, or other inevitable necessity, then and in such case it shall and may be lawful for the said Court of King's Bench to reverse the said judgment of attainder, and to transmit the indictment or indictments to any Court of Oyer and Terminer, to be held in and for the District wherein such indictment or indictments was or were found; and such person so surrendering shall be tried for the offence charged in such indictment in like manner as if no such judgment of attainder had been entered.

Carried.

Which was carried.

Petition of H.W. Peterson & Co. referred.

On motion of Mr. Shade, seconded by Mr. Aikman,
Ordered—That the petition of H. W. Peterson, & Co. be referred to a select committee consisting of Messrs. Merritt, Ferrie, Gowan, and Chisholm of Halton, with power to report thereon.

Motion to print 500 copies of Report of Committee of Privilege.

Mr. Gowan, seconded by Mr. Solicitor General, moves that 500 copies of the report of the Select Committee of Privilege, with the Appendix, be printed for the use of members.

On which the Yeas and Nays were taken, as follows :—

Y E A S.

Yeas—11.

Messieurs. *Attorney General, Burwell, Dunlop, Gowan, McDonell* of Northumberland, *McDonell* of Stormont, *McLean, Murney, Parke, Solicitor General, Thorburn*—11.

N A Y S.

Nays—26.

Messieurs *Armstrong, Caldwell, Cameron, Cartwright, Chisholm* of Halton, *Cook, Cornwall, Deilor, Ferrie, Jarvis, Kearnes, Lewis, Manahan, Marks, McCrae, McIntosh, McKay, Merritt, Morris, Norton, Powell, Robinson, Rykert, Shade, Sherwood, Woodruff*—26.

Lost, majority 15.

The question was decided in the negative by a majority of fifteen.

Message from Legislative Council.

The Master in Chancery brought down from the Honourable the Legislative Council a Message, and having delivered the same at the Clerk's table, retired.

The Message was read by the Speaker, as follows :—

MR. SPEAKER :

Bond Head Harbour Bill passed

The Legislative Council has passed the Bill sent up from the Commons House of Assembly, entitled "*An Act to Incorporate certain persons under the style and title of the Bond Head Harbour Company,*" without any amendment.

JOHN B. ROBINSON,
Speaker.

*Legislative Council Chamber, }
Twenty-second day of January, 1838. }*

Message from the Lieutenant Governor.

Mr. Secretary Joseph brought down from His Excellency the Lieutenant-Governor several Messages and Documents.

The Messages were read by the Speaker, as follows :—

F. B. HEAD.

Message with vote of thanks from Legislature of New Brunswick to Militia of U. C. for their conduct in suppressing the rebellion.

His Excellency, the Lieutenant-Governor, has much pleasure in transmitting to the House of Assembly a highly gratifying communication from His Excellency, the Lieutenant-

Governor of New Brunswick, accompanying a unanimous joint Vote of Thanks, from the two Houses of the Legislature of that Province, to the Militia of Upper Canada, for their gallant conduct, in so ably, promptly, and energetically suppressing the late Rebellion in this Province.

Government House, }
22nd January, 1838. }

F. B. HEAD.

The Lieutenant-Governor transmits, for the information of the House of Assembly, copies Nos. 150 and 152, } of two Despatches which he has received from the Secretary of State for 1st and 6th March, 1837. } the Colonies, relative to the Act passed in the 2nd Session of the 12th Provincial Parliament, regulating the rate at which Gold and Silver Coins should in future pass current within this Province.

Message with Despatches on Currency Law.

Government House, }
22nd January, 1838. }

F. B. HEAD.

The Lieutenant-Governor transmits to the House of Assembly the accompanying copy No. 130, } of a Despatch, and of its enclosure, which he has received from the Secretary 12th January, 1837. } of State for the Colonies, with reference to the Joint Address of the two Houses of the Provincial Legislature to His late Majesty, relative to certain Military Pensioners who had accepted a commuted allowance for their pensions, and came out to settle in this Province.

Message with Despatch respecting Address on Chelsea Pensioners.

Government House, }
22nd January, 1838. }

F. B. HEAD.

The Lieutenant-Governor transmits to the House of Assembly the accompanying copy No. 185, } of a Despatch from the Secretary of State for the Colonies, with reference to the 29th May, 1837. } Joint Address of the two Houses of the Provincial Legislature to His late Majesty on the subject of the Post-Office within the North American Provinces.

Message with Despatch respecting Address on Post Office.

Government House, }
22nd January, 1838. }

F. B. HEAD.

The Lieutenant-Governor transmits for the information of the House of Assembly, the Report and accompanying documents received from the Inspectors of the Provincial Penitentiary, for the year ending in October last: and also the account and vouchers of the Warden of that Establishment, for the same period.

Message with Report of Penitentiary Inspectors.

The Lieutenant-Governor avails himself of this occasion to lay before the House the claim of Mr. Smith, the Warden, for certain arrears of Salary, which the annexed documents will explain.

Government House, }
22nd January, 1838. }

F. B. HEAD.

The Lieutenant-Governor transmits, for the information of the House of Assembly, a Return by the Receiver General, shewing the amount of moneys raised by Debentures,—the amount redeemed,—and the amount outstanding, on the 31st of December last.

Message with Return of Debentures.

Government House, }
22nd January, 1838. }

F. B. HEAD.

The Lieutenant-Governor transmits, for the information of the House of Assembly, 12.] Returns of the Population of the several Districts of this Province for the year 1837,— 6.] and such Assessment Returns as have been received for the same period.

Message with Population and Assessment Returns.

Government House, }
22nd January, 1838. }

The documents were read by the Clerk, as follows:—

GOVERNMENT HOUSE, FREDERICKTON, N. B.,
January 6th, 1838.

SIR,

With the highest satisfaction I comply with the wishes of the Legislative Council and House of Assembly of this Province, by transmitting to Your Excellency, Resolutions jointly concurred in by those Bodies, tendering to Your Excellency and to the gallant Militia of Upper Canada, the unanimous thanks of the Legislature, and of the people of New Brunswick, for the able, prompt, and energetic suppression by them, and by Your Excellency, unaided by any portion of Her Majesty's troops, of the late Insurrection in the neighbourhood of Toronto.

Communication from Lt. Governor of New Brunswick, with vote of thanks to Militia of U. C.

In doing this, I beg to add the expression of my warmest concurrence in the sentiments embodied in these Resolutions, with the assurance that, while we feel the most entire confidence in the ability of Her Majesty's loyal Subjects of Upper Canada, under Your Excellency's guidance, to put down rebellion wherever it may shew itself, yet we cannot but regret that our remote position with respect to that Province prevents our offering our more active co-operation.

I have, &c.,

J. HARVEY,
M. General,
Lt. Governor.

His Excellency SIR F. B. HEAD, Bart.,
&c. &c. &c.
Lt. Governor of Upper Canada.

A true Copy.

J. JOSEPH.

NEW BRUNSWICK, HOUSE OF ASSEMBLY,
5th January, 1838.

Resolved unanimously, that the thanks of this Province are due, and should be presented to Sir Francis Bond Head and the Gallant Militia of Upper Canada, for their able, prompt, and energetic suppression of the Insurrection which lately took place in the neighbourhood of Toronto.

Resolved unanimously, that the conduct of our fellow subjects in Upper Canada on this memorable occasion, so fully in accordance with their former high spirit and character, affords a glorious example to the Sister Colonies, and cannot fail to quicken the zeal, and animate the exertions of every loyal heart in these Colonies, in support and defence of the liberties they enjoy under British laws and institutions.

Resolved unanimously, that our fellow subjects in Upper Canada, may rest assured of the lively sympathy of the inhabitants of this Province, in their loyalty and patriotic ardour, and of our most zealous co-operation in maintaining the Royal Authorities, and the inestimable advantages of our connexion with the Mother Country.

(Signed)

CHARLES P. WETMORE,
Clerk of Assembly.

NEW BRUNSWICK, HOUSE OF ASSEMBLY,
5th January, 1838.

Resolved unanimously, that an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to transmit these Resolutions to His Excellency Sir Francis Bond Head, Lieutenant Governor of Upper Canada.

Resolved, that the Legislative Council be requested to join in these Resolutions.

(Signed)

CHARLES P. WETMORE,
Clerk of Assembly.

NEW BRUNSWICK, LEGISLATIVE COUNCIL CHAMBER,
5th January, 1838.

Resolved unanimously, that this House doth most heartily concur in the Resolutions of the House of Assembly on the subject of the insurrection in Upper Canada.

(Signed)

WM. TYNG PETERS,
Clerk.

[Copy.]

No. 150.

DOWNING STREET,
1st March, 1837.

SIR,

Among the Acts passed by the Legislature of Upper Canada during the Session of 1836, and received at this Department on the 14th November last, was one, the object of which was, to repeal and amend the existing laws of the Province in regard to Gold and Silver Coin, and to determine the rate at which such Coins should, in future, pass current. As the provisions of this Act could not fail to have an important effect on all financial operations connected with the Province, not only within its limits, but elsewhere,—and as they must obviously have an influence on the transactions of those departments which are engaged in the collection of duties imposed by the Imperial Parliament, I felt it my duty, before tendering to His Majesty any advice respecting it, to submit the Act for the consideration of the Lords Commissioners of the Treasury. The enclosed letter will explain to you the views which their Lordships, in concurrence with the Lords of the Committee of Privy Council for Trade, have adopted on the subject.

You will observe, that the Lords Commissioners of the Treasury, and the Lords of the Committee of Privy Council for Trade, express considerable doubts as to the propriety of advising His

Majesty to give his Assent to this Act; but, before coming to any decided opinion, they desire to be furnished with full information as to the causes which led to its adoption.

As your Despatches do not enable me to supply this information, I have to request that you will, at your earliest convenience, transmit to me a full report on the subject, stating the grounds on which this change in the existing Currency Laws is proposed—the nature of the inconvenience which it is intended to remove—and the probable effect which it will have on the financial relations of the Province.

I have the honor to be, &c.,

(Signed)

GLENELG.

Sir F. B. HEAD,
&c. &c. &c.

A true Copy.

J. JOSEPH.

[Copy.]

TREASURY CHAMBERS,
22nd February 1837.

SIR,

The Lords Commissioners of H. M. Treasury having communicated with the Lords of the Committee of Privy Council for Trade on the subject of the Act of the Legislature of Upper Canada, for regulating the rate at which Gold and Silver Coins should pass current in that Province, which was transmitted to this Board, by direction of Lord Glenelg, in your letter of the 23rd November last, and having, at the request of the Lords of the Committee, furnished them with all the information this Department possessed relating to this Act, or the previous Act of 1826, by which the currency of the Province would appear to have been principally regulated, I am commanded by their Lordships to transmit herewith, for the information of Lord Glenelg, a copy of the reply which has been addressed to this Board by that Department. In laying the same before his Lordship, I am to request that you will observe that the Act of 1826, which was framed in conformity with the arrangements adopted by His Majesty's Government in the preceding year, for the introduction of the use of British Silver Coin in the transactions of the Military Chests on the Colonial stations, and for facilitating the circulation of that coin in the Colonies, expressly declared and provided with obvious reference to the rate of 4s. 4d., assigned, in that arrangement, to the dollar, and to the then existing valuation of the Pound currency at 4 Spanish or United States dollars; that the sum of 17s. 4d. of British silver or copy money should pass as equivalent, and be equal to the sum of 20s. of the current money of the Province; and the rates at which the British silver coins of each denomination should be current and a legal tender, were accordingly adjusted, as nearly as the avoidance of small fractions would admit, to this valuation. The present Act, however, deviating from this course, constitutes the British crown piece a legal tender at the rate of 6s. currency, and the half-crown at the same proportionate rate,—while the British shilling is constituted a tender at the rate of 1s. 3d. currency, and the sixpenny piece, in proportion, at 7½d.

Copy of Letter from Mr. Spearman, accompanying Despatch on Currency Law.

The pound currency, therefore, although still rated, as before, at 4 Spanish or United States dollars, is reduced from the former valuation of 17s. 4d. British to 16s. 8d. if the tender is made in crowns or half-crowns, but to 16s. only if the tender be made in shillings and sixpenny pieces. My Lords do not find that any explanation is afforded by the Act, or by any other document that has come under their cognizance, of the grounds on which an alteration so materially affecting all the pecuniary transactions of the Province, both public and private, has been thought advisable;—and although their Lordships would consider it most inexpedient that the confirmation of a law which has met with the concurrence of the Legislature of a Colony, should be in any respect unnecessarily delayed, yet, when they advert to the detriment that all creditors under pre-existing contracts will apparently suffer from the provisions of the Act now in question, and to the effect which, owing to the arrangements for conducting the financial operations of the military chests and Commissariat in the Canadian Provinces through the instrumentality of the local Banks, those provisions will have on that very important branch of the public service, their Lordships cannot but concur in opinion with the Lords of the Committee for Trade, that it would not be expedient that the Act should be confirmed, without further and full explanation of the circumstances that have led to its adoption,—and that decision as to its confirmation or disallowance should be deferred, as suggested by that Board, provided the requisite explanation can be obtained before the period, during which its disallowance is still within the power of the Crown, shall have expired.

I am, &c.

(Signed)

A. Y. SPEARMAN.

[Copy.]

OFFICE OF THE COMMITTEE OF P. COUNCIL FOR TRADE,
10th February, 1837.

SIR,

Your Letter of the 4th instant has been laid before the Lords of the Committee of P. Council for Trade, together with its enclosures.

I am directed by their Lordships to state, that on a perusal of the correspondence which has passed between Mr. Spearman and Mr. Stephen, it does not appear that any reason has been

Copy of Letter from Mr. Marchant, accompanying Despatch on Currency.

assigned by the Governor of Upper Canada, tending to show the ground on which so great a change has been made in the legal value in British money of the different denominations of coins, both British and foreign, in the state of Upper Canada. It appears, however, from the documents with which you have furnished this Board, that the value affixed to the dollar by the Act of 1826, which the Act now under consideration proposes so essentially to alter, was adopted after mature consideration in this country, and upon the principle of the fineness of silver, ascertained by the Mint, and calculated at 62*d.* per oz., the old standard of silver in the United Kingdom. And there is also reason to believe that the relative value, in British silver money, of the other coins in which alteration is now proposed, were fixed under the Act of 1796 : also with reference to calculations made at the time, and on some fixed principle of the relative value of these coins to the British standard of gold, and the old British standard of silver. Now without expressing any opinion on the propriety of the course then followed, or the principle adopted, still under these circumstances their Lordships cannot recommend to the Lords of the Treasury to give their concurrence to the Act in question : and certainly they would feel it their duty, when the Act comes before their Lordships for confirmation, not to recommend it for H. M. approval, until such further explanation of the grounds on which the change is proposed be afforded to them by the Secretary of State for the Colonies, as should satisfy them of the propriety of now effecting the change. Pending the receipt of such information, however, they do not consider it necessary to disallow the Act, subject to the conditions that there will remain sufficient time between the passing of the Act by the Assembly, and the Governor in the Colony, and the period when its disallowance is still within the power of the Crown, to enable them to recommend its disallowance, if that, in their opinion, should be necessary.

In conclusion, I am directed to request that you will inform the Lords of the Treasury that the Lords of the Committee highly approve of, and entirely concur with, the general instructions submitted to the Secretary of State in Mr. Spearman's letter to Mr. Stephen of the 27th of July. It appears to their Lordships most important, not only with a view to the Military Chest, and to the various payments on Treasury accounts made to Civil Officers in the Colonies, but to the Trading and Commercial Interests, and in fact to those of all property, that no changes in the currency, or, above all, in the standard, should receive the consent of the Governor of any Colony, until they have first been submitted home, for the consideration and approval of H. M. Government.

It is obvious that if this rule be not rigidly adhered to, changes unwarrantable in principle and most detrimental in practice, may be effected, before any power of correction can be exerted from home, and after an act of injustice and wrong has been committed, the final decision of the Crown, intended to correct what has been done, and disallow the proceedings, may be itself the cause of fresh injustice and hardships.

I am, &c.,

(Signed) DENIS L. MARCHANT.

F. T. BARING, Esq., &c. &c. &c.

[Copy.]

No. 152.

DOWNING STREET,
6th March, 1837.

SIR,

With reference to my Despatch of the 1st ult., No. 150, I transmit to you herewith a copy of a further communication from the Treasury, on the subject of the Act of the Legislature of Upper Canada, altering the value of coins current in that Province.

I have the honor to be,

Sir,

Your most obedient humble Servant,

(Signed) GLENELG.

Sir F. B. HEAD,
&c. &c. &c.

Despatch respecting
Currency Law.

23th February.

[Copy.]

TREASURY CHAMBERS,
28th February, 1837.

SIR,

I am commanded by the Lords Commissioners of His Majesty's Treasury to transmit herewith, for the information of Lord Glenelg, with reference to the letter of this Board of the 22nd instant on the subject of the Act of the Legislature of Upper Canada altering the value of coins current in that Province, copies of a correspondence which took place on the subject between Mr. Marks, in charge of the Dock Yard, and the Officers of the Commissariat and Cashier of the Bank at Kingston.

I am, &c.,

(Signed) U. Y. SPEARMAN.

J. STEPHEN, Esq.,
&c. &c. &c.

Copy of Letter from
U. Y. Spearman, Esq.
to J. Stephen, Esq.
communicating certain
correspondence on
Millia Law.

[Copy.]

KINGSTON DOCK YARD,
15th August, 1836.

SIR,

I beg leave to represent to you, that in presenting your Draft of the 13th instant for £500 at the Bank of Upper Canada, I could only obtain, in payment for the same, British silver in half-crown pieces, charged at the rate of 3s. currency each; thereby making the half crown 2s. 7d. and $\frac{1}{3}$ of a farthing sterling, instead of its actual value, of 2s. 6d. sterling.

Copy of Letter from J. Marks, Esq., to Assistant Commissary General Clarke.

All payments at the Dock Yard are made in specie, and when made in British silver, the coins are issued at their British sterling value, without reference to the rate of exchange; therefore I request you will be pleased to supply the amount of my estimate for the service of the Navy accordingly, or if that cannot be done, to substitute other coin at the rate of 4s. 4d. the dollar.

I have, &c.,

(Signed)

JOHN MARKS,

In charge.

Assistant Commissary GEN. CLARKE,
Kingston.

[Copy.]

KINGSTON, U. C.
20th September, 1836.

MY DEAR SIR,

I am in receipt of your favour of this morning, and beg to say, in reply, that the Bank declines paying specie at any other than its rate as established by law; the dollar being calculated at 4s. 4d. in account with the Commissariat Department. The silver coin now in hand here, is the British Crown and its parts, as I formerly mentioned, and in that only can I answer the Commissariat checks.

Copy of Letter from J. Macaulay, Esquire.

I have, &c.,

(Signed)

J. MACAULAY,

Cashier.

[Copy.]

COMMISSARIAT, KINGSTON,
17th August, 1836.

SIR,

I have the honour to enclose herewith, a copy of a letter, dated the 18th instant, from Mr. Marks, in charge of H. M. Dockyard at this place, on the subject of the Bank tendering him payment in half crown pieces, at the rate of 3s. currency, on account of my check in his favour for £500 sterling.

Copy of Letter from Assistant Commissary General Clarke, to Commissary Gen^l at Quebec.

Mr. Marks being required to make his public disbursements in British silver at 5s. the crown, or in other coins at 4s. 4d. the dollar, occasions this difficulty, as by receiving the half crown at the currency rate tendered, a loss to Mr. Marks $1\frac{2}{3}$ sterling on each half crown would be the result.

The subject has been referred to the President and Directors of the Bank at Toronto. From these I presume, you will receive a communication.

A copy of my letter in reply to Mr. Marks, I beg leave to enclose.

I have, &c.,

(Signed)

C. A. CLARKE.

The COMMISSARY GENERAL,
&c. &c. &c.

[Copy.]

COMMISSARIAT, QUEBEC,
29th August, 1836.

Certainly it was a very mistaken view of the case to raise the value of the coins agreeably to the late Act, and which I understand to have been carried at the instigation of the Upper Canada Bank.

Copy of Letter from Commissary General, to Assistant Commissary General at Kingston.

It must recoil on themselves, for it will cause discount on their own notes.

Notwithstanding any nominal rate you may choose to assign, you cannot raise the real value of a coin.

I spoke to the Cashier on the subject, and as the only present remedy, he offered to pay all Commissariat checks in American half dollars, and this, though a very incomplete remedy to the evil, will, I trust, in the particular instance of which this letter is the subject, afford relief.

(Signed)

R. J. ROUTH.

[Copy.]
No. 130.

DOWNING STREET,
12th January, 1837.

SIR,

Despatch respecting
Address on Chelsea Pen-
sioners

With reference to your Despatch of the 19th of October last, No. 84, and to the address to His Majesty enclosed therein, on the subject of certain Military Pensioners who had disposed of their pensions and proceeded to Upper Canada, I have the honour to transmit to you a copy of a letter from the Deputy Secretary at War, requesting to be furnished with more ample information respecting these persons, in order that it may be ascertained whether there is any possibility of affording relief to any of them.

I have the honour to be,
Sir,
Your most obedient,
Humble Servant,

(Signed) GLENELG.

Sir. F. B. HEAD, K. C. H.
&c. &c. &c.

A true copy.

J. JOSEPH.

[Copy.]

WAR OFFICE,
9th January, 1837.

SIR,

Copy of Letter from L.
Sullivan, Esq., to Mr.
Stephen, accompanying
Despatch on Chelsea
Pensioners.

I am directed to acknowledge the receipt of your letter of the 3rd instant, enclosing an extract of a Despatch from Sir F. B. Head, on the subject of certain Military Pensioners who appear to have disposed of their pensions under the Statute 1st William 4th, c. 41, and to have proceeded to Upper Canada, where they now are in a state of great destitution, "and to acquaint you that upon being furnished with a list of the men alluded to, with full particulars of each man's case, the Secretary at War will consider whether any mode of relief to any of them is within his power."

I have, &c.,

L. SULLIVAN.

JAS. STEPHEN, Esq.,
&c. &c. &c.

(Signed)

[Copy.]
No. 185.

DOWNING STREET,
29th May, 1837.

SIR,

Despatch respecting
Address on Post Office
Department

I have received, and have had the honour to lay at the foot of the Throne, the Address from the Legislative Council and House of Assembly of Upper Canada, forwarded by you on the 4th March, praying His Majesty to recommend to the Imperial Parliament such measures as may be best calculated to establish a satisfactory system of Post Office arrangement within the North American Provinces. His Majesty was pleased to receive this Address very graciously; and he has commanded me to inform the Legislature of Upper Canada, in reply, that although having referred this question to the Legislature of the respective North American Colonies, he would be unwilling, except at the instance of all those bodies collectively, to recommend to the Imperial Parliament to pass any general enactment respecting it. Yet that in the measures which he has directed his minister to submit to Parliament, he has not been unmindful of this important subject. The provisions which it is intended to introduce into the proposed Bill respecting the affairs of Lower Canada, by enabling the North American Colonies easily to co-operate in making regulations for the conveyance of letters by the Post, will, as his Majesty confidently trusts, be calculated to remove the inconveniencies complained of by the Legislature of Upper Canada.

I have the honor to be,

Sir,
Your most obedient humble Servant,

(Signed) GLENELG.

Lieut. Governor Sir F. B. HEAD,
&c. &c. &c.

A true Copy.

J. JOSEPH.

On motion of Mr. Solicitor General, seconded by Mr. Manahan,

Ordered—That an humble Address be presented to His Excellency the Lieutenant Governor, thanking him for his several Messages of this date, and that Messrs. Boulton and Powell be a Committee to draft, report, and present the same.

Address of thanks ordered.

On motion of Capt. Dunlop, seconded by Mr. Gowan,

Ordered—That five hundred copies of the New Brunswick Despatch be printed for the use of members.

500 Copies of New Brunswick Despatch to be printed.

Pursuant to the order of the day, the rider to the bill to provide for the more speedy attainder of persons indicted for high treason, was read the third time, and the bill was passed.

Rider to Traitors' Attainder Bill read third time, and Bill passed.

Mr. Solicitor General, seconded by Mr. Robinson, moves that the bill be entitled,—

"An Act to provide for the more speedy attainder of persons indicted for High Treason, who have fled from this Province, or remain concealed therein to escape from Justice."

Title.

Which was carried, and Messrs. Solicitor General and Robinson were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

On motion of Mr. Merritt, seconded by Mr. Cornwall,

Ordered—That the Messages of His Excellency which relate to the alteration of coins, and the Return of Debentures from H. Majesty's Receiver General, with the documents accompanying the same, be referred to the Committee on Finance.

Messages on Coins and Debentures referred to Finance Committee.

On motion of Mr. McLean, seconded by Mr. Burwell,

Ordered—That the petition of Donald McDermid be referred to a Committee of Supply, together with the Report of the Committee of last winter on that subject.

Petition of D. McDermid, with report of last winter, referred to Supply.

Mr. Manahan gives notice, that he will, on to-morrow, move for reading that part of the Journals of this House which relate to the claim of John Dormer, Esq., M. D. for medical attendance, and medicine given and supplied, during the cholera of 1834, under the direction of the Board of Health of Kingston.

Notices :
Of motion for reading Journals on claim of Dr. Domer.

Mr. Cartwright gives notice that he will, on to-morrow, move that an humble Address be presented to His Excellency, the Lieutenant-Governor, requesting His Excellency to transmit to this House a return of all applications made for grants of land by the several religious denominations in this Province, together with the answers given by the Executive to the several applications.

Of Address for return of applications for Land by religious denominations.

Mr. Gowan gives notice that he will, on Thursday next, move that an humble Address be presented to His Excellency, the Lieutenant-Governor, praying that His Excellency may be pleased to inform this House whether all or any of the Judges of Her Majesty's Court of King's Bench within this Province have been appointed to any office (and, if any, to what office particularly, and when appointed,) since the first day of December last, together with the amount of all emoluments (if any) derivable from any such appointment, the duties required to be performed in every such office, and whether such appointments were in unison with British practice in like cases, or were made by virtue of any Act of the Imperial Parliament, or of the Parliament of this Province, or in obedience to any Instructions received from Her Majesty's Government in England.

Of Address for certain information respecting the Judges of the Court of King's Bench.

Mr. Gowan, from the select committee to which was referred the subject of the compensation of Jurors, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Select Committee on Jurors' Compensation. Report Bill.

Bill read first time.

The report was received, and the bill was read the first time.

2nd reading to-morrow.

Ordered—That the Jurors' Compensation Bill be read a second time to-morrow.

Address reported for information on capture of Schooner "Ann."

Mr. Sherwood, from the committee to draft and report an Address founded on the resolution of this House, requesting information respecting the capture of the piratical Schooner "Ann," reported a draft, which was received and read the first time, and ordered for a second reading to-morrow.

On motion of Mr. Thomson, seconded by Mr. Sherwood,

Documents relative to Penitentiary referred.

Ordered—That the papers relative to the Provincial Penitentiary be referred to the committee to whom was referred the petition of Henry Smith, Esquire, Warden of the Penitentiary.

Select Committee to wait on His Excellency with Address for Despatches on Rectories, report answer.

Mr. McKay, from the committee to wait on His Excellency the Lieutenant-Governor with the Address requesting copies of any Despatches respecting Rectories, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer :

GENTLEMEN,

Answer.

I shall transmit to the House of Assembly, in compliance with this Address, copies of the Despatches and other Communications received from the Imperial Government, on the subject of Rectories, and the disposal or appropriation of the Clergy Reserves, as soon as they can be prepared.

Select Committee to wait on His Excellency with Address for correspondence on His Excellency's resignation, report Answer.

Mr. Jarvis, from the committee to wait on His Excellency the Lieutenant Governor with the Address praying for copy of the correspondence between His Excellency and Her Majesty's Government, respecting His Excellency's resignation of the Government of this Province, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer :

GENTLEMEN,

Answer.

Nothing at this moment would be so gratifying to my feelings as to lay before the House of Assembly the Correspondence between Her Majesty's Government and myself, which induced me to tender my resignation of the Government of this Province; but after deliberate consideration, I have come to the conclusion, that the publication of these documents might, under existing circumstances, embarrass my successor, and might be considered as a violation of official confidence.

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

Bill to amend King's Bench Costs Act read second time and committed.

Pursuant to the order of the day, the Bill to amend the Law respecting the Costs in the King's Bench, was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Armstrong in the chair.

The House resumed.

Committee rises.

The chairman reported that the Committee had risen.

On receiving report.

On the question for passing the Report, the Yeas and Nays were taken as follows :—

Y E A S.

Yeas—19.

Messieurs *Armstrong, Bockus, Boulton, Burwell, Caldwell, Chisholm* of Halton, *Cook, Cornwall, Deltor, McCrae, McDonell* of Stormont, *McKay, Merritt, Morris, Rykert, Shade, Shaver, Sherwood, Thomson*—19.

N A Y S.

Nays—18.

Messieurs *Cameron, Duncombe, Dunlop, Ferrie, Jarvis, Lewis, Manahan, Marks, McDonell* of Northumberland, *McIntosh, McLean, Murney, Norton, Parke, Powell, Robinson, Solicitor-General, Thorburn*—18.

Report received, majority, 1.

The question was carried in the affirmative by a majority of one, and the Report was received.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the bill to prevent the return to the Province of those who absconded during the rebellion.

Bill to prevent return of absconding rebels again committed.

Mr. McIntosh in the chair.

The House resumed.

The Chairman reported that the Committee had risen.

Committee rises.

The report was received.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the bill to enable Ministers and Congregations to hold lands in succession.

Bill to enable congregations to hold lands again committed.

Mr. Rykert in the Chair.

The House resumed.

The Chairman reported that the committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

Reported amended.

The Report was received.

Ordered—That the bill be engrossed and read a third time to-morrow.

3rd reading to-morrow.

Pursuant to the order of the day, the House was again put into a committee of the whole on the Bill to abolish imprisonment for debt.

Bill to abolish Imprisonment for Debt, again committed.

Mr. Morris in the chair.

The House resumed.

The Chairman reported that the Committee had made some further progress in the Bill, and asked leave to sit again to-morrow.

Progress reported.

The Report was received, and leave granted accordingly.

On motion of Mr. Merritt, seconded by Mr. Ferrie,

Ordered—That a Message be sent to the Honourable the Legislative Council, requesting their permission that the Honourable John Henry Dunn, Her Majesty's Receiver General; the Honourable George Markland, Inspector General; the Honourable John Macaulay, Surveyor General; and the Honourable Duncan Cameron, Provincial Secretary, have leave to attend the Committee of this House to whom is referred the Public Accounts.

Message to be sent to Leg. Council, requesting leave for Messrs. Dunn, Markland, Macaulay, and Cameron to attend Finance Committee.

On motion of Mr. Gowan, seconded by Mr. Shade,

Ordered—That the rule of this House requiring the Speaker to take the Chair at one o'clock, be rescinded.

Rule for Speaker to take the chair at 1 o'clock, rescinded.

Adjourned.

Tuesday, 23rd January, 1838.

The House met.

The minutes of yesterday were read.

Mr. Manahan brought up the petition of the Bishop Regiopolis and five hundred and nineteen others of the town of Kingston,

Petition of Bishop of Regiopolis and 519 others, brought up.

Which was laid on the table.

Pursuant to the order of the day, the bill to enable Ministers and Congregations to hold lands in succession, was read the third time.

Bill to enable Congregations to hold lands, read third time.

On the question for passing the Bill,

In amendment, Mr. Norton, seconded by Mr. Shaver, moves that the bill do not now pass, but that it be re-committed to committee of the whole House forthwith, for the purpose of amending the same.

Which was carried, and the House was put into a Committee of the whole on the bill.

Bill re-committed.

Mr. Gowan in the Chair.

The House resumed.

Reported amended.

The Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House.

3rd reading to-day.

The report was received, and the Bill, as amended, was ordered to be read a third time this day.

Petitions read.

Pursuant to the order of the day, the following petitions were read:—

H. S. Reid and 34 others.

Of H. S. Reid, and thirty-four others, of the township of Darlington, and adjoining townships, District of Newcastle, praying for an extension of the limits of Darlington Harbour.

S. Nichol and T. Scott.

Of Stewart Nichol and Thomas Scott, late of Edinburgh, praying to be allowed to practice the medical profession in this Province.

D. Burritt and 68 others.

Of Daniel Burritt and sixty-eight others, of the townships of Marlborough and Oxford, District of Johnstown, praying for the construction of a bridge across the Rideau, at Burritt's Rapids.

H. W. Peterson & Co.

And of H. W. Peterson, & Co., proprietors of the "Canada Museum," published at Berlin, District of Gore, praying to have certain public documents printed in German.

Mr. Manahan, seconded by Mr. Cartwright, moves that the Petition of the Inhabitants of Kingston, presented this day, be now read, and that the 31st rule of this House be suspended on this behalf.

Bishop of Regiopolis and 519 others, read.

Which was carried; and the Petition of the Bishop of Regiopolis and five hundred and nineteen others of the Town of Kingston, praying the House to take into consideration the project of uniting the Canadas—was read.

On motion of Mr. Manahan, seconded by Mr. Cartwright,

Petitions referred:
Of Bishop of Regiopolis and others.

Ordered—That the Petition of the Honourable and Right Reverend Alexander McDonell, Bishop of Regiopolis; the Venerable George O'Kill Stuart, Archdeacon of Kingston; the Rev. William Macaulay Herchmer; fifteen magistrates; and 502 others, inhabitants of the Town of Kingston, now read, praying for the Re-union of the Provinces—be referred to the Committee on the State of the Provinces.

On motion of Mr. Norton, seconded by Mr. Morris,

Of D. Burritt and others.

Ordered—That the Petition of Daniel Burritt and others be referred to the Committee of Supply.

On motion of Mr. Boulton, seconded by Mr. Sherwood,

Of H. S. Reid and others.

Ordered—That the Petition of H. S. Reid and others be referred to a Select Committee, to consist of Messrs. McDonell, of *Northumberland*, and Elliott, to report thereon by bill or otherwise.

NOTICES:

Of Address to H. Majesty to grant land to those who took up arms in defence of the Province in December last.

Captain Dunlop gives notice that, on to-morrow, he will move that an humble Address be presented to Her Majesty, praying that Her Majesty will be pleased to grant one hundred acres of land in this Province to all officers, militiamen, and volunteers who took up arms on the 4th, 5th, 6th, and 7th days of December last, in defence of the liberties of this Province, and to all officers, non-commissioned officers, privates, and others, throughout the Province, who so nobly stood to their arms in supporting the authority of our Sovereign Lady the Queen, and defending this Province alike from domestic treason and foreign invasion.

Of motion for vote of thanks to N. Brunswick.

Mr. Kearnes gives notice that he will, on to-morrow, move that this House do return a Vote of Thanks to the Province of New Brunswick, and more especially to the two Regiments of Militia who so nobly volunteered their services for the defence of Canada.

Mr. McIntosh, from the Committee to which was referred the Petition of James T. Somerville and fifty-eight others, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Select Com. on petition of J. T. Somerville and others, report Windsor Rail Road Bill.

The Report was received, and the Bill was read the first time.

Bill read first time.

Ordered—That the Windsor Rail-road Bill be read a second time to-morrow.

2nd reading to-morrow.

Pursuant to notice, Mr. Merritt, seconded by Mr. Burwell, moves, that this House do now resolve itself into a Committee of the whole to take into consideration the expediency of addressing Her Majesty, praying Her Majesty to make a grant of Land to Colonel FitzGibbon, of the Militia, as a reward for the services rendered by him to this Province.

House in Committee on addressing Her Majesty to grant lands to Col. FitzGibbon.

Which was carried; and the House was put into a Committee of the whole accordingly.

Mr. Ferrie in the chair.

The House resumed.

The chairman reported that the Committee had agreed to two Resolutions, which he was directed to submit for the adoption of the House.

Resolutions reported.

The report was received.

The Resolutions were adopted, *nem. con.*, as follows:—

Carried, *nem. con.*

Resolved—That James FitzGibbon, Esquire, having rendered signal services to this Province, in a Military capacity, on various occasions, when he was an Officer of the regular Forces of the Empire, during the late War with the United States of America, and subsequently in several civil capacities, and also very recently as Colonel of Militia on the breaking out of the late Rebellion in the Home District; it is a duty incumbent on this House to recognize, by some public expression, his brave and faithful conduct, and to use such means as may be in its power to procure to be granted to him, by his Sovereign, some lasting token of the Royal bounty as an acknowledgment of the estimation in which those services are held by the people whom it represents.

1st Resolution.

Resolved—That this House do humbly address Her Majesty, praying Her Majesty will be graciously pleased to grant to the said James FitzGibbon Five Thousand Acres of the Waste Lands of the Crown in this Province, as a mark of Her Majesty's Royal favour, for the honourable, efficient, and faithful services of that gentleman during a period of twenty-six years.

2nd Resolution.

P R E S E N T.

Messieurs Bockus, Boulton, Burwell, Cameron, Cartwright, Chisholm of Halton, Cook, Cornwall, Dellar, Duncombe, Dunlop, Ferrie, Jarvis, Kearnes, Lewis, Malloch, Manahan, Marks, McCrae, McDonell of Northumberland, McDonell of Stormont, McIntosh, McKay, McLean, Merritt, Murney, Morris, Norton, Parke, Powell, Richardson, Robinson, Rykert, Shade, Shaver, Sherwood, Thomson, Thorburn, Woodruff.

Present.

Mr. Merritt, seconded by Mr. Burwell, moves that the foregoing Resolution be amended by inserting the word "unanimously" after the word "Resolved."

Resolution amended.

Which was carried.

Mr. Merritt, seconded by Mr. Burwell, moves that Messrs. Jarvis and Chisholm of Halton, be a Committee to draft and report an Address pursuant to the foregoing resolution.

Which was carried.

Mr. Jarvis, from the committee to draft and report an Address pursuant to the foregoing resolution, reported a draft, which was received and read twice, and referred to a Committee of the whole House.

Address reported, read twice and committed.

Mr. Murney in the chair.

The House resumed.

The chairman reported the Address without amendment.

Read 3rd time and passed.

The Report was received, and the Address was read the third time and passed, and is as follows :

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN :

Address

We, Your Majesty's most dutiful and loyal subjects, the Commons House of Assembly of Upper Canada, in Provincial Parliament assembled, humbly beg leave unanimously to represent to Your Majesty, that James Fitzgibbon, Esquire, rendered signal services to this Province in a military capacity on various occasions when he was an Officer of the Regular Forces of the Empire, during the late war with the United States of America, and subsequently in several civil capacities, and also very recently as Colonel of Militia in the breaking out of the late rebellion in the Home District.

We therefore most humbly pray that Your Majesty will be graciously pleased to grant to the said James Fitzgibbon five thousand acres of the waste lands of the Crown in this Province, as a mark of Your Majesty's Royal favour for the honourable, efficient, and faithful services of that gentleman during a period of twenty-six years.

H. RUTTAN,

Speaker.

*Commons House of Assembly, }
23rd day of January, 1838. }*

Address sent to Legislative Council.

Mr. Merritt, seconded by Mr. Burwell, moves that the Address to Her Majesty, unanimously adopted by this House relating to a Grant of Land to Colonel FitzGibbon, be transmitted to the Honourable the Legislative Council, requesting the concurrence of that Honourable House thereto; and that Messrs. McDonell, *of Northumberland*, and Caldwell, be a Committee to carry up the Address.

Which was carried.

Bill to enable Congregations to hold lands, read 3rd time and passed.

Pursuant to the order of the day, the Bill to enable Ministers and Congregations to hold lands in succession, as amended, was read the third time and passed.

Mr. Cartwright, seconded by Mr. Detlor, moves that the bill be entitled—

Title.

"An Act to enable Religious Communities to hold Lands and other Property in Succession."

Which was carried; and Messrs. Cartwright and Detlor were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

House in Committee on Report on Losses by the Rebellion.

Pursuant to the order of the day, the House was again put into a Committee of Supply on the Report of Select Committee respecting Pensions to those who have suffered loss from the outrageous acts of the insurgents during the late Rebellion.

Mr. Attorney-General in the chair.

The House resumed.

Resolutions reported.

The Chairman reported that the Committee had agreed to several Resolutions, which he was directed to submit for the adoption of the House.

The report was received.

The First Resolution was put, as follows:—

1st Resolution.

Resolved—That if any officer, non-commissioned officer, private, or teamster of the Militia, or other Provincial Corps, or detachment raised in this Province, in any engagement, or by any accident or casualty which hath occurred, or which hereafter may occur while performing any duty on actual service, shall be killed, or die of any disease contracted on service, and leave a widow, child, or children lawfully begotten, his widow shall be entitled to receive during her widowhood, and in case

of her death or marriage, then to the eldest child, or guardian, for the use of such child or children of such officer, non-commissioned officer, private, or teamster, until the youngest thereof shall have attained the age of twenty-one years, an annuity of £40 of lawful money of this Province.

On which the Yeas and Nays were taken as follows :—

Division.

Y E A S.

Messieurs *Boulton, Burwell, Cameron, Cartwright, Cornwall, Dunlop, Jarvis, Lewis, Manahan, Marks, McIntosh, McLean, Murney, Morris, Parke, Powell, Richardson, Rykert, Shade, Sherwood, Solicitor-General, Thomson, Thorburn*—22.

Yeas—22.

N A Y S.

Messieurs *Armstrong, Bockus, Deltor*—3.

Nays—3.

The question was carried in the affirmative by a majority of nineteen, and the Resolution was adopted.

Resolution adopted, majority 19.

The second Resolution was put as follows :—

Resolved—That there be granted to Her Majesty the sum of One Hundred Pounds yearly, to enable Her Majesty to grant an annuity to the widow and children of the late Colonel Moodie.

2nd Resolution.

In amendment, Mr. Richardson, seconded by Captain Dunlop, moves, that the Resolution be not adopted, but that it be referred to a Committee of the whole House forthwith, for the purpose of altering the allowance.

Amendment moved.

On which the Yeas and Nays were taken as follows :—

Division:

Y E A S.

Messieurs *Burwell, Dunlop, Jarvis, Manahan, Marks, Murney, Powell, Richardson, Robinson*—9.

Yeas—9.

N A Y S.

Messieurs *Armstrong, Attorney-General, Bockus, Boulton, Cartwright, Cornwall, Deltor, Lewis, Malloch, McIntosh, McKay, McLean, Morris, Parke, Rykert, Shade, Sherwood, Solicitor-General, Thomson, Thorburn, Woodruff*—21.

Nays—21.

The question of amendment was decided in the negative by a majority of twelve, and the resolution was adopted.

Amendment lost, majority 12,—resolution adopted.

The third resolution was then put as follows :—

Resolved—That the sum of £200 be granted to Her Majesty annually, to enable Her Majesty to pay Colonel Coffin, Adjutant General of Militia, a retired allowance during his life.

3rd Resolution.

On which the Yeas and Nays were taken as follows :—

Division.

Y E A S.

Messieurs *Armstrong, Attorney-General, Bockus, Boulton, Burwell, Cameron, Cartwright, Cornwall, Deltor, Dunlop, Jarvis, Lewis, Malloch, Manahan, McKay, McLean, Murney, Morris, Parke, Powell, Richardson, Robinson, Rykert, Shade, Sherwood, Solicitor-General, Thomson, Thorburn, Woodruff*—29.

Yeas—29.

N A Y S.

Messieurs *Marks, McIntosh*—2.

Nays—2.

The question was carried in the affirmative by a majority of twenty-seven, and the resolution was adopted.

Resolution adopted, majority 27.

On motion of Mr. Jarvis, seconded by Mr. Powell,

Ordered—That Messrs. Solicitor-General, Boulton, and Kearns, be a Committee to draft bills pursuant to the foregoing resolutions, and report the same to this House.

Committee to draft Bill on the resolutions.

House in Com. of Supply
on report on petition of
J. Gamble, Esq.

Pursuant to the order of the day, the House was put into a Committee of Supply on the report of Select Committee on petition of John Gamble, Esq. and others.

Mr. Sherwood in the chair.

The House resumed.

Progress reported.

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

The Report was received, and leave granted accordingly.

Adjourned.

Wednesday, 24th January, 1838.

The House met.

The minutes of yesterday were read.

Petitions brought up:

D. Thompson and 154
others.

The following petitions were severally brought up and laid on the table :
By Mr. Rykert, the petition of David Thompson and one hundred and fifty-four others, of the County of Haldimand.

D. McDonell, Esq.

By Mr. Jarvis, the petition of Duncan McDonell, Esquire, (Greenfield) of the County of Glengarry.

D. Nicklin and 122 others.

And by Mr. Shade, the petition of Daniel Nicklin and one hundred and twenty-two others, of the townships of Waterloo, Woolwich, and Nichol, (Halton.)

Petitions read.

J. Ryan.

Pursuant to the order of the day, the following petitions were read :—
Of John Ryan, of the township of Toronto (York), praying for a pension.

R. C. Horne.

Of Robert C. Horne, late of the County of York, praying to be remunerated for his losses during the late rebellion.

Rev. J. Butler and 29
others.

Of the Rev. John Butler, and twenty-nine others, Roman Catholic congregation of Peterborough, praying for authority to dispose of certain landed property.

Hon. J. H. Dunn.

And of the Honourable John Henry Dunn, Her Majesty's Receiver General of this Province, praying that a time may be allowed for War Loss Claimants to contest the validity of the payments made.

D. McDonell (Greenfield.)

Mr. Jarvis, seconded by Mr. McLean, moves that the petition of Duncan McDonell, Esquire, be read forthwith, and that the 31st rule of this House be dispensed with for that purpose.

Which was carried, and the petition of Duncan McDonell, Esquire, (Greenfield) of the County of Glengarry, praying remuneration for certain money expended on the roads, was read.

Motion to refer petition
of D. McDonell, Esq.
to Committee of Supply.

Mr. Jarvis, seconded by Mr. McLean, moves that the petition of Duncan McDonell, Esquire, be referred to a Committee of Supply on to-morrow.

Division.

On which the Yeas and Nays were taken as follows :—

Y E A S.

Yeas—17.

Messieurs *Boulton, Cartwright, Cook, Duncombe, Gowan, Jarvis, Kearnes, Marks, McDonell* of Stormont, *McKay, McLean, Norton, Powell, Rykert, Shaver, Sherwood, Solicitor-General*—17.

N A Y S.

Nays—15.

Messieurs *Burwell, Chisholm* of Halton, *Cornwall, Deltor, Ferrie, Lewis, Malloch, McIntosh, Morris, Parke, Richardson, Shade, Thomson, Thorburn, Woodruff*—15.

Carried, majority 2.

The question was carried in the affirmative by a majority of two, and ordered accordingly.

On motion of Mr. Shade, seconded by Mr. McKay,

Ordered—That the petition of H. W. Peterson & Co. be referred to a Select Committee consisting of Messrs. Merritt, Ferrie, Gowan, and Chisholm of *Halton*, to report thereon.

Petitions referred :

Of H. W. Peterson & Co.

On motion of Mr. Boulton, seconded by Mr. Cornwall,

Ordered—That the petition of Robert C. Horne, Esquire, be referred to a Select Committee to consist of Messrs. Sherwood and Jarvis, to report thereon, with power to send for persons and papers.

Of R. C. Horne, Esq.

On motion of Mr. Thomson, seconded by Mr. Ferrie,

Ordered—That the petition of John Ryan be referred to a Select Committee, and that Messrs. Chisholm of *Halton*, Rykert, and Shaver, do compose the same, with power to send for persons and papers, and to report thereon.

Of John Ryan.

On motion of Mr. Morris, seconded by Mr. Richardson,

Ordered—That the petition of Stewart Nichol and Thomas Scott be referred to a Select Committee consisting of Messrs. Gowan, Cameron, and Shade, and to report by bill or otherwise.

Of S. Nichol & T. Scott.

Mr. Shade gives notice that he will, on to-morrow, move for leave to bring in a bill to tax all Bank Stock within this Province.

Notices :
Of Bill to Tax Bank Stock.

Mr. Gowan gives notice that he will, on to-morrow, move for leave to introduce a bill to amend an act, entitled,

Of Bill to amend Chancery Court Act.

“ *An Act to establish a Court of Chancery in this Province.* ”

Mr. Cameron gives notice that he will, on to-morrow, move for leave to bring in a Bill to regulate all Fisheries within this Province, and to provide against aliens enjoying the same.

Of Fisheries Regulation Bill.

Captain Dunlop, from the Select Committee to which were referred the Resolutions of this House respecting a Lunatic Asylum, presented a Report and the draft of a Bill.

Select Committee on Resolutions on Lunatic Asylum, present Report and Bill.

The Report was received.

The Report was read, as follows:—

To the Honourable the COMMONS HOUSE OF ASSEMBLY.

The Committee to which were referred the Resolutions of Your Honourable House on the subject of the erection of a Provincial Asylum, for the purpose of considering and reporting upon the ways and means of raising the money granted by Your Honourable House for that purpose, beg leave to report—

Report.

That, as the object designed is one of general utility to the Province, the want of which has been more or less felt for several years past by every District within the same, the most equitable as well as ready method of accomplishing the object will be by authorising the levy of an additional assessment, on all the assessed property in the Province, of one farthing in the pound, to be appropriated and expended in the erection and outfit of a Provincial Asylum, by Commissioners to be appointed by His Excellency, the Lieutenant-Governor.

Your Committee also beg leave to report a bill embracing the objects, in accordance with the Resolutions of the House, as referred to them.

All which is most respectfully submitted.

R. G. DUNLOP,
Chairman.

Committee Room, House of Assembly, }
24th January, 1838. }

The Bill was read the first time.

Bill read first time.

Ordered—That the Bill to provide for the erection and maintenance of a Lunatic Asylum be read a second time to-morrow.

2nd reading to-morrow.

Mr. Jarvis, from the Committee to draft bills pursuant to the Resolutions from Supply, of yesterday, reported a draft, which was received and read the first time.

Select Committee report Mr. Moodie's Pension Bill.

Bill read first time.

On the question for the second reading of the bill to-morrow,

Motion for second reading
forthwith.

In amendment, Mr. Jarvis, seconded by Mr. Kearnes, moves that the bill to provide a pension for Mrs. Moodie be not read a second time to-morrow, but that it be read a second time forthwith, and that the 41st rule of this House be dispensed with for that purpose.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—9.

Messieurs *Burwell, Cameron, Dunlop, Jarvis, Kearnes, McLean, Powell, Solicitor-General, Thorburn*—9.

N A Y S.

Nays—22.

Messieurs *Bockus, Boulton, Cartwright, Chisholm of Halton, Cook, Deltor, Gowan, Lewis, Marks, McDonell of Stormont, McIntosh, McKay, Morris, Norton, Parke, Richardson, Rykert, Shade, Shaver, Sherwood, Thomson, Woodruff*—22.

Lost, majority 13,

2nd reading to-morrow.

The question of amendment was decided in the negative by a majority of thirteen, and the bill was ordered to be read a second time to-morrow.

Select Committee on
petition of H. Smith, Esq.
present report.

Mr. Thomson, from the Select Committee to which was referred the Petition of Henry Smith, Esq., presented a Report, which was received and read, as follows:—

To the Honourable the HOUSE OF ASSEMBLY.

Report.

The Committee to whom was referred the Petition of the Warden of the Provincial Penitentiary, respectfully beg leave to report—

That, from statements laid before them, and upon which they have received evidence, it appears that the Warden has a just claim for the following account:—

290 days' salary, at £200 per annum,	£150	18	0
290 days in house rent, at £40,	31	15	7
190½ lbs. candles, at 8d.	6	7	0
23½ cords of wood, at 10s.	11	15	0
	<hr/>		
	£208	15	7

Which claim, amounting to two hundred and eight pounds, fifteen shillings, and sevenpence, your Committee recommend to be paid to Mr. Smith, the present Warden; and your Committee would respectfully represent that the salary now paid to the Warden is quite insufficient compensation for the arduous duties performed by that officer, and that it appears that it was originally intended that the salary of the Warden should be £250, and that it should be increased, as the circumstances of the Institution might appear to justify. Your Committee are of opinion that the salary of the Warden ought not to be at present less than £300, as it is admitted by all who have examined the Penitentiary that the duties of that officer are most efficiently discharged,—and when the Institution yields a profit to the Province, it should be increased, as circumstances may appear to justify. It appears that the average of the salaries to wardens of the different Penitentiaries throughout the United States is £350,—the duties of many of them being not near so arduous as those of our Provincial Penitentiary.

All which is respectfully submitted.

E. W. THOMSON,
Chairman.

Committee Room, House of Assembly, }
24th January, 1838.

Select Committee report
Huron Fishery Bill.

Captain Dunlop, from the Select Committee, to which was referred the Huron Fishery Bill, reported the Bill.

Bill read first time.

The Report was received, and the Bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

On motion of Mr. Thomson, seconded by Mr. Sherwood,

Report on petition of
H. Smith, referred to
Supply.

Ordered—That the Report of the Select Committee, on the petition of Henry Smith, Esq., Warden of the Provincial Penitentiary, be referred to a Committee of the whole on Supply, to-morrow.

Select Com. on petition of
H. S. Reid and others, re-
port Bill to extend the lim-
its of Darlington Harbour.

Mr. Boulton, from the Select Committee, to which was referred the petition of H. S. Reid, and others, informed the House that the Committee

had agreed to report by Bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

The Report was received, and the bill was read the first time.

Bill read first time.

Ordered—That the Bill to extend the limits of Darlington Harbour be read a second time to-morrow.

2nd reading to-morrow.

Pursuant to notice, Mr. Richardson, seconded by Captain Dunlop, moves, that this House do now resolve itself into a Committee of Supply, for the purpose of authorizing the Receiver General of this Province to raise a certain sum of Money by Debenture, for the purpose of Macadamizing the Swamp Road leading from the Ten-mile-Creek to the Town of Niagara, and through Queen Street, in said Town.

House in Com. of Supply on granting money to macadamize Niagara and 10 mile-Creek road.

Which was carried, and the House was put into a Committee of the whole accordingly.

Mr. Murney in the Chair.

The House resumed.

The chairman reported that the Committee had agreed to a Resolution, which he was directed to submit for the adoption of the House.

Resolution reported.

The Report was received.

The Resolution was put, as follows:—

Resolved—That it is expedient to authorize Her Majesty's Receiver General for this Province, to raise, by way of loan, the sum of £10,000, for the purpose of Macadamizing the road leading from the Ten-mile-Creek, in the Township of Grantham, along the Swamp Road to the town of Niagara, which said sum of £10,000, together with the interest thereon, shall be repaid by Tolls to be levied upon said Road; and if said Tolls shall be found insufficient, such deficiency to be made up by the inhabitants of said District.

Resolution.

On which the Yeas and Nays were taken, as follows:—

Division.

Y E A S.

Messieurs *Burwell, Cameron, Cartwright, Chisholm* of Halton, *Cornwall, Dettlor, Duncombe, Gowan, Kearnes, Lewis, Manahan, McDonell*, of Northumberland, *McDonell*, of Stormont, *McIntosh, McKay, McLean, Morris, Parke, Powell, Richardson, Robinson, Rykert, Shade, Sherwood, Woodruff*—25.

Yeas—25.

N A Y S.

Messieurs *Cook, Norton, Shaver, Thorburn*—4.

Nays—4.

The question was carried in the affirmative by a majority of twenty-one, and the Resolution was adopted.

Carried, majority 21.

On motion of Mr. Richardson, seconded by Mr. Gowan,

Ordered—That Messrs. Shade and Manahan be a Committee to draft and report a Bill, pursuant to the Resolution of this House, granting a sum of money for Macadamizing the Swamp Road, from the Ten-mile-Creek, in the Township of Grantham, to the Town of Niagara.

Resolution referred to Select Committee to draft bill.

Mr. Shade, from the Committee to draft a Bill pursuant to the above Resolution, reported a draft, which was received and read the first time.

Bill reported.

Bill read first time.

Ordered—That the Bill to Macadamize the Niagara and Ten-mile-Creek Road, be read a second time to-morrow.

2nd reading to-morrow.

Pursuant to the order of the day, the Bill to cover the Contingent Expenses of the two last Sessions of Parliament was read the second time.

Covering Bill read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Richardson in the chair.

The House resumed.

Reported without amendment.

The Chairman reported that the committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Address of thanks reported, read 3rd time, and passed.

Mr. Cartwright, from the Committee to draft and report an Address to His Excellency the Lieutenant Governor, thanking him for his Messages of the 22nd instant, reported a draft, which was received and read three times and passed, and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

Address.

We, her Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave most respectfully to thank Your Excellency for your several messages of the 22nd instant.

H. RUTTAN,
Speaker.

*Commons House of Assembly, }
24th day of January, 1838. }*

Bill to tax Canada Company's Lands, read 2nd time and committed.

Pursuant to the order of the day, the bill to levy a tax on the Canada Company's lands was read the second time.

The House was put into a Committee of the whole on the bill.

Mr. Woodruff in the chair.

The House resumed.

Reported without amendment.

The Chairman reported that the committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Common Schools Regulation Bill, read 2nd time and committed.

Pursuant to the order of the day, the bill to regulate Common Schools was read the second time.

The House was put into a Committee of the whole on the bill.

Mr. Cameron, in the Chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some progress in the bill, and asked leave to sit again to-morrow.

On receiving report:

On the question for receiving the Report, the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—22.

Messieurs *Burwell, Cameron, Cook, Duncombe, Gowan, Jarvis, Kearnes, Lewis, Malloch, Manahan, McDonell, of Northumberland, McDonell of Stormont, McKay, Morris, Norton, Parke, Powell, Rykert, Shaver, Sherwood, Thorburn, Woodruff*—22.

N A Y S.

Nays—6.

Messieurs *Cartwright, Cornwall, Dellar, Ferrie, Marks, Shade*—6.

Carried, majority 16.

The question was carried in the affirmative by a majority of sixteen, and the Report was received and leave granted accordingly.

House in Com. of Supply on Report on petition of R. Edmondson.

Pursuant to the order of the day, the House was put into a Committee of Supply on the Report of Select Committee on petition of Robert Edmondson.

Mr. Jarvis in the chair.

The House resumed.

The Chairman reported that the Committee had risen.

Committee rises.

On the question for receiving the Report, the Yeas and Nays were taken as follows :

On receiving report.

Y E A S.

Messieurs *Bockus, Burwell, Cartwright, Cook, Cornwall, Dellar, Ferrie, Kearnes, Lewis, Malloch, Marks, McDonell* of Stormont, *McIntosh, McKay, Merritt, Parke, Powell, Rykert, Shade, Shaver, Thorburn, Woodruff*—22.

Yeas—22.

N A Y S.

Messieurs *Duncombe, Gowan, Jarvis, Manahan, McDonell* of Northumberland, *Morris, Sherwood*—7.

Nays—7.

The question was carried in the affirmative by a majority of fifteen, and the Report was received.

Report received, majority, 15.

Pursuant to the order of the day, the District Court Practice Amendment Bill was read the second time.

District Court Practice Amendment Bill, read 2nd time, and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Parke in the chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again to-morrow.

Progress reported.

The Report was received, and leave granted accordingly.

Mr. Secretary Joseph brought down from His Excellency, the Lieutenant-Governor, several Messages and Documents.

Messages from the Lieutenant Governor.

The Messages were read by the Speaker, as follows:—

F. B. HEAD.

The Lieutenant-Governor transmits, for the information of the House of Assembly, copies of two Despatches which he has received from the Secretary of State for the Colonies, on the subject of the Joint Address of the two Houses of the Legislature to the Throne during the last Session of the 12th Provincial Parliament, relative to the duty on Tobacco, the growth of Upper Canada.

Message with Despatches on Tobacco Duty.

Government House,
24th January, 1838.

F. B. HEAD.

The Lieutenant-Governor transmits to the House of Assembly the accompanying copy of a Despatch, and its enclosures, which he has received from the Secretary of State for the Colonies, on the subject of the adjustment of Claims for Damages caused by the construction of the Rideau Canal, which he recommends to the consideration of the House.

Message with Despatch on claims for damages by construction of Rideau Canal.

Government House,
24th January, 1838.

F. B. HEAD.

The Lieutenant-Governor transmits to the House of Assembly the accompanying copy of a Despatch which he has received from the Secretary of State for the Colonies, and of its enclosure, with reference to the Address of the House to His late Majesty, relative to the terms on which foreign commodities are admitted into this Colony.

Message with Despatch respecting terms on which foreign commodities are admitted.

Government House,
24th January, 1838.

F. B. HEAD.

The Lieutenant-Governor transmits, for the information and consideration of the House of Assembly, the accompanying copy of a Circular Despatch which he has received from the Secretary of State from the Colonies on the subject of Prison Discipline, and the inefficiency of the system of transportation as a secondary punishment.

Message with Despatch on Prison Discipline.

Government House,
24th January, 1838.

F. B. HEAD.

Message with Despatch on furnishing copies of Imperial Acts.

The Lieutenant-Governor transmits, for the information of the House of Assembly, a
 No. 208, } copy of a Despatch which he has received from Her Majesty's Secretary of State
 28th July, 1837. } for the Colonies, relative to the furnishing of copies of the Acts of the Imperial
 Parliament, for the use of the Legislature of this Province.

Government House, }
 24th January, 1838. }

F. B. HEAD.

Message with Despatch on Act for establishing Mutual Insurance Companies.

The Lieutenant Governor transmits, for the information of the House of Assembly, the
 No. 218, } accompanying Copy of a Despatch which he has received from the Secretary of
 9th Aug. 1837. } State for the Colonies, on the subject of the Act passed by the Provincial Legisla-
 ture in the Session of 1836, for the establishment of Mutual Insurance Companies in the several
 Districts of this Province.

Government House, }
 24th January, 1838. }

F. B. HEAD,

Message with Despatch on proceedings of last Session.

The Lieutenant Governor transmits, for the information of the House of Assembly, a
 No. 222, } Copy of a Despatch which he has received from the Secretary of State for the
 9th Aug. 1837. } Colonies, communicating Her Majesty's approbation of the proceedings of the
 Provincial Legislature, at their last Session.

Government House, }
 24th January, 1838. }

F. B. HEAD.

Message with Despatch respecting Addresses on Murray Canal, Lands for Militia, and St. Anne's Rapids.

The Lieutenant Governor transmits to the House of Assembly the accompanying Copy
 No. 225, } of a Despatch which he has received from the Secretary of State for the Colonies,
 30th Aug. 1837. } with reference to the three Addresses of the House to His late Majesty, passed
 during the last Session, on the several subjects of the proposed Canal across the Isthmus of Prince
 Edward—Grants of land to the Militia who served during the late War—and the construction of
 a Canal at the St. Anne's Rapids.

Government House, }
 24th January, 1838. }

F. B. HEAD,

Message with Report of Commissioners, Dunnville Bridge.

The Lieutenant Governor transmits to the House of Assembly, the accompanying Copy
 4th Jan. 1838. } of the Report addressed to him by the Commissioners of the Bridge across the
 Grand River at Dunnville.

Government House, }
 24th January, 1838. }

F. B. HEAD,

Message with Report of Commissioners, Steam Dredge.

The Lieutenant Governor transmits, for the information of the House of Assembly, the
 accompanying Report and Documents received from the Acting Commissioner on the subject of
 the Provincial Steam Dredge.

Government House, }
 24th January, 1838. }

F. B. HEAD,

Message with Report of Commissioners for Improvement of St. Lawrence.

His Excellency the Lieutenant Governor transmits to the House of Assembly the
 Annual Report of the Commissioners, for the improvement of the navigation of the St. Lawrence,
 with the Documents accompanying it.

Government House, }
 24th January, 1838. }

F. B. HEAD,

Message with Return from St. Lawrence Inland Marine Assurance Company.

The Lieutenant Governor transmits, for the information of the House of Assembly, the
 accompanying Return of the Saint Lawrence Inland Marine Assurance Company, for the year
 1837.

Government House, }
 24th January, 1838. }

The Documents were read by the Clerk as follows:—

No. 121.

DOWNING STREET,
22nd December, 1836.

SIR,

I have to acknowledge the receipt of your Despatch of the 19th October, No. 84, enclosing three Addresses to His Majesty. I have had the honour to lay these Addresses at the foot of the Throne, and His Majesty was pleased to receive them graciously. The joint Addresses from the Council and Assembly, respecting the duty levied on Tobacco, the growth of the Province, and respecting certain military pensioners who commuted their pensions under the Act William 4, c. 41, together with those parts of your Despatch which especially relate to them, have, by His Majesty's command, been referred to the respective departments of the Government to which the consideration of which subjects more exclusively belongs, and so soon as answers shall have been received from those departments, I shall again communicate with you respecting these Addresses.

Despatch respecting Addresses on Tobacco duty, Chelsea Pensions, and sale of Crown Lands.

With regard to the Address from the Legislative Council, relating to the system under which the Crown Lands are at present disposed of, I shall, of course, suspend my decision until I have received that further communication which you announce your intention of transmitting to me.

I have, &c.,

(Signed) GLENELG.

Sir. F. B. HEAD, K. C. H.
&c. &c. &c.

A true Copy.

J. JOSEPH.

[Copy.]

No. 132.

DOWNING STREET,
25th January, 1837.

SIR,

With reference to my Despatch of the 22nd ult., I have the honour to inform you that the Lords of the Committee of Privy Council for trade, to whom the Address from the Council and Assembly of Upper Canada on the subject of the duty on Tobacco grown in that Province was referred by H. M. command, have reported to His Majesty, that as the duty on Tobacco is imposed solely for the purpose of Revenue, with which object its cultivation is prohibited within the United Kingdom, their Lordships cannot advise His Majesty to hold out to the Legislature of Upper Canada any expectation that the prayer of their petition will be conceded to them.

Despatch respecting Address on Tobacco duty.

I have, &c.,

(Signed) GLENELG.

Lieutenant Governor, Sir F. B. HEAD, K. C. H.
&c. &c. &c.

A true Copy.

[Copy.]

No. 152.

DOWNING STREET,
4th April, 1837.

SIR,

I have the honour to transmit to you herewith, the copies of a Correspondence which passed between this Department and the Treasury, on the subject of the adjustment of claims for damages caused by the construction of the Rideau Canal, and in conformity with the opinion expressed in the Minute of the Lords Commissioners of the Treasury, of the 21st ultimo. I have to desire that you will bring the subject under the notice of the Legislature of Upper Canada at the earliest opportunity, and move them to pass such an Act for defining the period within which these claims may be preferred, as shall appear to them most calculated to ensure a due consideration of the interests both of the public and of private individuals.

Despatch respecting the adjustment of claims for damages caused by the construction of the Rideau Canal.

I have, &c.,

(Signed) GLENELG.

Sir F. B. HEAD,

A true Copy.

J. JOSEPH.

TREASURY CHAMBERS,
4th January, 1837.

SIR,

I am commanded by the Lords Commissioners of H. M. Treasury to transmit to you herewith, Copy of a Letter, with its enclosures, from the Secretary to the Board of Ordnance, dated the 27th July last, relating to the adjustment of claims for damages caused by the construc-

Copy of Letter from Mr. Spearman to Mr. Stephen, accompanying Despatch on Rideau Canal.

tion of the Rideau Canal, together with Copy of a Minute of this Board of the 27th ult., relative thereto; and I am to request you will lay the same before Lord Glenelg, and move His Lordship to make such a communication to the Lieutenant Governor of Upper Canada on the subject, as His Lordship may deem advisable, if he should be of opinion that any such Instructions as the Board of Ordnance suggest may properly be given.

I have, &c.,
(Signed) A. Y. SPEARMAN.

J. STEPHEN, Esq.,
&c. &c. &c.

[Copy.]

OFFICE OF ORDNANCE,
27th July, 1836.

SIR,

With reference to your letter, dated the 7th December, 1835, communicating the desire of the Lords Commissioners of H. M. Treasury to be informed of the probable duration of Deputy Assistant Commissary-General Adam's employment as Government Arbitrator for the adjustment of claims for Damages caused by the construction of the Rideau Canal,—

I have the honour, by command of the Master-General and Board of Ordnance, to transmit to you herewith, for their Lordships' information, the copy of a Report which has been received on the subject from the officers of this Department at Quebec, dated 20th May last, together with copies of the correspondence therein referred to.

In forwarding these papers to the Lords Commissioners, the Master-General and Board beg to state their opinion, that, as there is nothing in the Rideau Act limiting the period at which claims shall be sent in for compensation for damages sustained by the original construction of the Canal, and as the extent of those damages, after an experience of four years, must be pretty well ascertained, it would on every account be highly desirable to pursue the course pointed out in Captain Bolton's letter of the 21st March last, viz.—that all claims should be sent in to the Arbitrators by the 30th June, 1837, at latest.

Should the Lords Commissioners concur in this suggestion, the Master General and Board have to request their Lordships will be pleased to give such directions to the Lieutenant Governor of Upper Canada as shall ensure the above object by proclamation or order of the Executive Council, the same to be published in all the papers of the two Provinces at intervals, up to that date, it being at the same time notified, if *not contrary to law*, that no claim sent in after that period will be entertained.

The Master General and Board conceive it may be of some advantage, moreover, that the necessity of ascertaining the state and value of the land before the Canal was constructed, as compared to its present state and value, according to the 9th clause of the Rideau Act (a copy of which Act is enclosed) should be strongly impressed on the Arbitrator employed by the Ordnance as from the nature of the country through which the Canal passes many parts of it must have been in a swampy state originally, and the whole of the land in the vicinity of the Canal, with some very few exceptions, has doubtless been so greatly enhanced in value by its construction, that if the 9th clause were acted on in the true spirit evidently intended by the introduction of the latter part of the clause, to protect individuals from being called on to pay a sum in consideration of the advantages over and above the amount at which the damages may be estimated—the amount to be paid by Government for compensations would not be to any considerable extent, for the instances must, it is conceived, be but few, in which the advantages to the proprietors of the adjoining lands do not exceed the disadvantages.

The Master General and Board propose also to instruct their officers at Bytown to make known, as widely as possible, by advertisement and every other possible means, that the amount of all claims, founded on the spirit of the 9th clause of the Rideau Act will, as soon as arbitrated, meet with prompt payment, by which means parties may possibly be induced to moderate their demands.

With respect to the inquiry of the Lords Commissioners, as to the period which the arbitration of the remaining claims will occupy, it will be perceived that the officers of this Department at Quebec state it may probably extend to the year 1837-8; but assuming even that the period for sending in claims is limited to 30th June, 1837, as they will still have to undergo arbitration, and some of them may probably be referred to a Jury, a correct opinion as to the time it will occupy cannot be formed in this country; yet judging from past practice, the Master General and Board are doubtful whether the arbitration will be completed at so early a period as that stated by their officers at Quebec.

In making this communication, the Master General and Board request that they may forthwith be apprised of their Lordships' sentiments and decision on the subject, in order that the requisite directions may be given to the Ordnance Officers at Quebec in accordance therewith.

I have, &c.,
(Signed) R. BYHAM.

E. G. STANLEY, Esq.,
&c. &c. &c.

[Copy.]

OFFICE OF ORDNANCE,
Quebec, 28th March, 1836.

SIR,

The Honourable Board of Ordnance being at considerable expense in paying an arbitrator to award, in conjunction with one named by the parties concerned, remuneration for

Copy of Letter from R. Byham, Esq., to E. J. Stanley, Esq.

Copy of Letter from Ordnance Department, Quebec.

damages sustained by the construction of the Rideau Canal, &c., agreeably to the Rideau Act, passed 17th February, 1827, and it being very desirable to bring this matter to a close as early as can be done with justice to all parties, we have the honour to submit to His Excellency the Lieutenant Governor of Upper Canada the expediency of fixing, by an Order in Council, a limited period for the delivering in claims for such damages, and we would suggest for the same, 31st Dec. 1836—31st March, 1837, or any other, in case His Excellency should deem it more proper.

We have, &c.,

(Signed)	G. NICOLLS, <i>Col. Commanding R. E.</i>	(Signed)	R. JENN, <i>Storekeeper.</i>
(Signed)	C. H. GODLEY, <i>Lt. Col. Commanding R. A.</i>	(Signed)	M. HEATHFIELD, <i>D'y. Storekeeper.</i>

[Copy.]

COPY OF TREASURY MINUTE, dated 27th Dec. 1836.

My Lords, refer to the former papers relative to the employment of Mr. Adams as Arbitrator for the Crown, and read their Minute of 3rd July, 1835, on the subject.

Copy of Treasury
Minute.

Write to Commissary General Routh, referring him to the letter of this Board of 6th July, 1835, (12,820,) and acquaint him that my Lords having communicated with the Master General and Board of Ordnance respecting the appointment of Mr. Adams as Arbitrator for the Government in the adjustment of claims for damages caused by the construction of the Rideau Canal, their Lordships are pleased to authorise Mr. Routh to issue to Mr. Adams the full pay of his rank as a Deputy Assistant on his establishment from the 1st June, 1835, and during the time he may be employed as Arbitrator, but deducting therefrom the amount of the expenses incurred for the services of the temporary Clerk employed during the absence of Mr. Adams from his Commissariat duties.

Write to the Secretary of the Ordnance, acquainting him that my Lords have had under consideration his letter of the 27th July and its enclosures, relating to the adjustment of claims for damages caused by the construction of the Rideau Canal; and their Lordships have to observe that they concur in the opinion expressed by the Master General and Board of Ordnance that it is highly desirable that all claims on this account should be sent in to the Arbitrator by the 30th June, 1837, at the latest, and will communicate with the Secretary of State for the Colonies, in order that any instructions which may be necessary with a view to that object may be issued to the Lieutenant Governor by the authority of Lord Glenelg, if his Lordship shall be of opinion that any such instructions can properly be given, and steps taken by the Lieutenant Governor for enforcing them.

My Lords entirely concur in opinion with the Master General and Board of Ordnance as to the necessity of ascertaining the state and value of the land before the Canal was constructed, as compared with its present state and value according to the 9th clause of the Rideau Act; they presume that the Master General and Board have strongly impressed on the Arbitrator the necessity of his particular attention to this point, and that in adjudications already given the Arbitrator has been guided by the principle prescribed in the clause alluded to.

With respect to the instructions which the Master General and Board propose to give to their officers at Bytown, with a view to induce the parties interested to moderate their demands, state that my Lords would see no objection whatever to such notice being given if the Board of Ordnance are satisfied that the monies already granted by Parliament to meet this charge, the whole of which has been placed at their disposal in consequence of their letter of 1st June 1836, are sufficient for the purpose, but that otherwise my Lords cannot sanction such a notice being given, because they must authorise payments to be made for which no provision has been made by Parliament.

[Copy.]

OFFICE OF ORDNANCE,
Quebec, 20th May, 1836.

SIR,

In reply to your letter of the 14th December, 1835, ^{F.}₃₇₅ No. 152, we have the honour to forward a correspondence, No. 1 to 5, on the subject of the probable duration of Mr. Adams' employment for the adjustment of claims arising from the construction of the Rideau Canal, and we beg to state that on the receipt of Captain Bolton's letter (No. 2) we wrote to the Secretary of the Lieutenant Governor of Upper Canada, (No. 5) submitting the expediency of fixing, by an order in Council, a limited period for the delivering in claims for such damages, and to observe that until this is done it is not possible to afford the information called for by the Lords Commissioners of the Treasury. But we are of opinion that the whole of the claims will not be arbitrated before the end of the year 1837.

Copy of Letter from
Ordnance Department,
Quebec, to E. Byham,
Esq., communicating
correspondence on Rideau
Canal Claims.

2. We have delayed our report thereon in expectation of a reply to No. 5, which we will communicate to the Honourable Board as soon as it reaches this office.

3. We beg leave, in addition to the above, to refer the Honourable Board to our letter dated 30th March, 1836, No. 18.

We have the honour to be, &c.,

(Signed)

G. NICOLLS, *Col. Com'g. Royal Engineers.*
C. H. GODBY, *Lieut. Col. Com'g. Royal Artillery.*
RICHARD PENN, *Storekeeper.*
M. HEATHFIELD, *Deputy Storekeeper.*

R. BYHAM, *Esquire,*
&c. &c. &c.

No. 1.

MINUTE OF THE RESPECTIVE OFFICERS ON MR. BYHAM'S LETTER NO. 152, DATED

OFFICE OF ORDNANCE,
14th December, 1835. $\frac{F}{378}$

Copy of Minute on Mr. Byham's Letter.

Forwarded to Captain Bolton, who is requested to report his opinion as to the probable duration of Mr. Adams' employment for the adjustment of the whole of the claims of individuals for damages caused by the construction of the Rideau Canal, and as far as he has the means, the number of the claims remaining to be arbitrated. Captain Bolton will also report in what manner Mr. Adams has been employed since the last arbitrations received from him of November: The respective officers hoping that he has been able to make many preparations to forward the service as soon as the season will permit.

By order of the respective Officers,

(Signed)

M. HEATHFIELD,
D'y. Storekeeper.

OFFICE OF ORDNANCE,
Quebec, 9th March, 1836.

No. 2.

No. 22.

ROYAL ENGINEERS' OFFICE, RIDEAU CANAL,
21st March, 1836.

GENTLEMEN,—

Copy of Letter from Captain Bolton to Board of Ordnance, Quebec.

With reference to your Minute of the 9th inst., on a communication from R. Byham, Esq., dated 14th December, 1835, $\frac{F}{378}$, I have the honour to state that it is quite out of my power to afford the information called for as to the probable duration of Mr. Adams' employment for the adjustment of claims arising from the construction of the Rideau Canal, as at present it depends entirely on the will and pleasure of individuals having claims to make.

There are 48 claims which Mr. Adams will enter upon as soon as the navigation opens, and 100 other claims received, but which are not in a fit state for arbitration, requiring the diagram of certificates of sworn surveyors, and other information pointed out in the Public Notice on the subject, as necessary to be furnished by claimants.

As far as I have been able to ascertain, there are still a great number of claims, but which have not yet been made, in consequence of the delay in paying the awards,—many individuals stating they could not afford to pay the surveyor and lay out of the money for years. This difficulty is partly removed, and claimants will no doubt be induced to come forward more readily. At the same time I beg to submit, for consideration, whether it might not be proper (if it can legally be done according to the spirit of the Rideau Act) to limit the period for receiving claims, instead of leaving it to the option or the will of individuals, which must entail a considerable additional and unnecessary expense on the Government.

If such a course be considered advisable, I beg to suggest, 1st—That the 30th June, 1837, be the period fixed upon, as it would afford all claimants the winter of 1836-7 in which to have their lots surveyed.

2nd—That the respective officers at Quebec be authorised to order the payment of awards without previous reference to England. No claimant could then urge, which is now constantly the case, that it is quite useless to send in a claim, for, if arbitrated upon, years may elapse before the amount awarded is paid.

3rd—That notices of such determination be published in every known paper in both Provinces for six months, and in five or six of the leading papers to 30th June, 1837.

With respect to the manner in which Mr. Adams has been employed, I herewith transmit the accompanying copy of a letter from him on that subject for your information.

I have, &c.,

(Signed)

D. BOLTON, *Captain,*
Senior Royal Engineer, Rideau & Ottawa Canal.

No. 3.

No. 10.

RIDEAU CANAL,
Bytown, 18th March, 1836.

SIR,—

In obedience to the instructions conveyed to you by the respective Officers of the Ordnance at Quebec, under date of the 9th inst., in consequence of a communication from R. Byham, Esq., of the 11th December, 1835, ^{F. 1178} and referred to me for my report thereon, I beg to submit that I am not prepared to form an opinion, in the present stage of the arbitrations, as to the probable duration of this special service, but I think I may safely state that the payment of the awards which have been authorised will very much expedite it. The claimants will now be induced to an early transmission of their respective claims, since the apprehension under which they laboured as to the intention of Government to come to an early adjustment of them has been dispelled by the measure adverted to.

*Copy of Letter from Mr. Adams to Captain Bolton, R. E.

In regard to the second paragraph, I trust it will satisfactorily appear to the respective Officers that from the commencement of my appointment I have urged by all the means in my power the rendering of the claims. I submitted the suggestion of calling for them through the medium of the official Gazettes and public Newspapers, and which they were pleased to adopt. I did not quit the Canal until the navigation had closed, and that I had completed the arbitrations as far as it was practicable in all claims sent in between Bytown and the Rideau Lake; the last awards having been concluded at Maitland's Rapids on the 20th November. Since that period I have made every preparation within my control to forward this service during the ensuing season. It is my intention to return to it immediately the navigation will permit, and the experience and local information I have acquired will greatly facilitate its progress.

I beg to annex, for their information, a copy of a Circular addressed to a number ^{9th Jan'y. 1836.]} of the principal claimants dispersed throughout the Townships along the line of the Canal, and also to several influential Magistrates and Arbitrators.

There are, up to this date, forty-eight claims entered for Arbitration, and as far as it is possible to give an idea, I should say that there may be about one hundred still to be rendered. Some of those received, particularly in the Townships of Kingston and Pittsburgh, are of considerable extent; but as the claimants have not included the damage sustained on all their property, it will be prudent to proceed, in the first instance, with the minor claims in the neighbourhood, by which means I shall be enabled to gain information which will materially assist the decisions on the others.

I would again beg to advert to my suggestion whether it may not be practicable and expedient to limit the period for the admission of claims.

In conclusion, I beg to assure the respective Officers that they may rely upon my most strenuous exertions to bring this service (surrounded as it is by so many difficulties and impediments) to as speedy a termination as possible, consistent with the interests of His Majesty's Government.

I have, &c.,
(Signed) G. ADAMS,
Gov't Arbitrator.

Capt. BOLTON,
Engineer Commanding Rideau and Ottawa Canal.

No. 4.

[CIRCULAR.]

RIDEAU CANAL,
Bytown, 9th January, 1836.

SIR,

Adverting to a claim made by you for damage sustained by the construction of the Rideau Canal in, I beg to acquaint you that it cannot be arbitrated upon (under the 4th and 9th clauses of the Rideau Act) until the direction published by the respective Officers of Ordnance at Quebec on the 6th July, 1835, are complied with, by transmitting, with as little delay as possible, a diagram and certificate of a sworn Surveyor as to the nature and extent of the damage, and it should at the same time be stated to be *all* the damage sustained in the *whole* of the claimants' property in the line of the Canal, to be addressed—

Copy of Circular Letter addressed by Mr. Adams to claimants for damages by the construction of the Rideau Canal.

On His Majesty's Service.
CAPTAIN BOLTON,
Senior Royal Engineers,
By Town.
Claim for damages.

I have, &c.,
(Signed) G. ADAMS,
Gov't Arbitrator.

NOTE.—By claimants making known, at the same time, in their respective neighbourhoods, to the sworn Surveyor in the vicinity, their desire to have their drowned land Surveyed, the expense of Survey would be materially lessened. Claimants cannot act as Arbitrators.

A true Copy.

(Signed)

G. ADAMS,
Gov't Arbitrator.

[Copy.]

TREASURY CHAMBERS,
27th March, 1837.

SIR,

I am commanded by the Lords Commissioners of H. M. Treasury to transmit to you Copy of their Lordships' Minute of 21st instant, on the subject of the claims for damages caused by the construction of the Rideau Canal, and to desire you will lay the same before Lord Glenelg, with reference to your letter of 31st January last on that subject, in order that His Lordship may be aware of the instructions given to the Master-General and Board of Ordnance. I am at the same time to request that you will move Lord Glenelg to give such directions as may appear to His Lordship to be most expedient, with a view to the early settlement of these claims, with justice to the public on the one hand and to the parties on the other,—apprising my Lords of the instructions he may issue to the local authorities on the subject.

I have, &c.,
(Signed) A. Y. SPEARMAN.

COPY OF TREASURY MINUTE OF 21ST MARCH, 1837.

Read letter from Secretary of the Ordnance, dated the 17th of last February, on the subject of the adjustment of the claims for damages caused by the construction of the Rideau Canal.

Read also letter from Mr. Stephen, dated 31st last January, in reply to letter of this Board of 4th December, 1836,—conveying Lord Glenelg's opinion as to an early period being fixed for the adjustment of the above claims. Transmit to the Secretary of the Ordnance, to be laid before the Master-General and Board, copy of Mr. Stephen's Letter of the 31st of last January on this subject, and state that, under the circumstances set forth in that letter, it will not be possible, by any order of the Government, to limit the period within which claims for compensation shall be made by parties in Canada; but that, as my Lords feel all the importance of having all these claims settled as quickly as possible, they are of opinion that every step should be taken for that purpose which is consistent with justice to the public on the one hand and to the parties on the other.

It does not appear to my Lords that justice to the public would permit the indefinite postponement of such claims; and, in fact, such a postponement would be contrary to the principles by which this Board has on that account been always guided in all such cases. On the other hand, it is equally clear that it would in no degree be unjust to the parties that they should be required to give in, and support by proper evidence, any claims they may have, within a reasonable period.

My Lords will therefore request the Secretary of State to make such communication on the subject to the Colonial authorities as he may judge expedient, in order that such limited period may be fixed by the authority of the Local Legislature after due notice to be given, as may be just to the public and not unjust to the individuals concerned; and in the mean time they are of opinion that such arrangement may be made by the Master General and Board, as will afford to all parties an inducement to make their application for consideration and determination.

With this view my Lords are of opinion that distinct notice should be given that payment will be in every case made according to the order of priority in which the claim is made, whether for land taken or for consequential damage, and that such payments should be made forthwith to the extent of the sum voted by Parliament for the purpose. Any claims beyond that amount, if any shall be made, must be postponed until it shall be seen whether any future grant will be required for defraying the charge; and my Lords are pleased to authorise the Master General and Board to make a communication to that effect to their officers in Canada.

[Copy.]

No. 180.

DOWNING STREET,
10th May, 1837.

SIR,

With reference to your Despatch of the 4th of March last, I have the honour to transmit to you herewith a copy of the answer from the Secretary to the Lords of the Committee of Privy Council for Trade and Plantations, to whom was referred, by His Majesty's commands, the Address from the House of Assembly of Upper Canada on the subject of the terms on which foreign commodities are admitted into that Colony.

I have, &c.,
(Signed) GLENELG.

Sir FRANCIS B. HEAD,
&c. &c. &c.

A true copy.

J. JOSEPH.

Copy of Letter from Mr. Spearman to Mr. Stephen, enclosing Minute of Lords of the Treasury on claims for damages by construction of Rideau Canal.

Despatch respecting Address on terms on which foreign commodities are admitted into U. Canada.

[Copy.]

OFFICE OF COMMITTEE OF PRIVY COUNCIL FOR TRADE,
Whitehall, 2nd May, 1837.

SIR,

The Address from the House of Assembly of Upper Canada, copy of which was transmitted in your Letter of the 22nd ult., relative to the terms of admission of foreign commodities into that Colony, has been under the consideration of the Lords of the Committee of Privy Council for Trade.

Copy of Letter from Office of Committee of Privy Council for Trade, to Mr Stephen, respecting Address on terms of admitting foreign commodities.

In this Address it is represented that the prohibitions which are imposed on some articles, and the high duties to which some others are subject, cannot be enforced on the extensive frontiers adjoining the United States; and the avowed object of the Address is, that all temptation to effect an illicit introduction of such commodities shall, for the fair Trader, and of the Revenue, and also for the sake of the morals of the inhabitants, be removed.

The prayer of the Address, however, goes much beyond the mere prevention of smuggling—since it proposes to place the trade of foreign Countries with the Colony on the same footing as that of the United Kingdom.

I am to request that you will state to Lord Glenelg that the Lords of the Committee see no grounds for entertaining so extensive a request; and that the Address does not furnish information on which they could proceed to modify the existing law with regard to particular commodities.

The only article named in the Address is Tea; and that is subject in Canada to no Parliamentary duty. The only restraint is that it cannot be imported into the Colony from the United States; and the Lords of the Committee cannot readily believe that a commodity, whose place of origin is so distant as China, can by mere mercantile superiority be conveyed to Upper Canada through the interior settlement of the United States so much more cheaply than by the waters of the St. Lawrence, as to give to the American smuggler a decided advantage over the British merchant.

Under such circumstances the restriction on the importation of Tea should not be spoken of as a prohibition; and the articles which are really prohibited are so few in number, and of descriptions which can be so readily supplied by the regular channels, that their Lordships can see no reason for entertaining that part of the complaint of the Address which relates to prohibition.

The commodities which are subject to high duties are chiefly manufactures, such as are usually supplied from Europe, but of which some, such as coarse and heavy cottons, are made also in the United States. The remedy in these cases would no doubt consist of a reduction of duties; but, as has been already intimated, the grievances are stated in the Address in such general terms, and the relief desired is so extensive and unqualified, that the Lords of the Committee cannot make that document the foundation on which they should proceed to investigate the one or consider the other.

I am to request that you will lay these observations before Lord Glenelg as immediately applicable to the case of Upper Canada so far as regards any Parliamentary duties to which alone the memorialists address themselves; and that you will at the same time inform His Lordship that the Lords of this Committee do not see any grounds in the subjects thus brought before them upon which they could recommend any new facilities of Trade in behalf of that Province which should not be equally extended to all the British Colonies in North America; and it will be manifest to Lord Glenelg that such a subject could only be entertained either as a question for a great change in the principles of our Colonial policy, or with a view to some specific modifications of that policy in respect of some particular commodities and with full information on the subject of them.

The Address contains a further request that the grain and flour of Upper Canada should be admitted duty free into the United Kingdom. On this subject the Lords of the Committee have to observe that under the Act regulating the importation of corn into this country, the corn of the British possessions in North America is already placed on a very favourable footing.

The highest duty, taking wheat for the example, is 5s. the quarter, whatever may be the average price; and the nominal duty of 6d. the quarter becomes payable at a price which fines a duty of 18s. 8d. on foreign wheat. The Lords of this Committee therefore do not feel that they can propose to Parliament any further relaxations of the law in behalf of Canada.

I have, &c.,

(Signed)

J. D. HUME.

J. STEPHEN, Esquire.

A true copy.

[Copy.]

[CIRCULAR.]

DOWNING STREET,
25th May, 1837.

SIR,

The attention of the Colonial Legislature having been recently directed to the improvement of Prison Discipline, it appears to me desirable to take an early opportunity of pointing out to you the evils and inconveniences which result from the system of Transportation, so frequently resorted to in the Colonies for the punishment of offences.

Despatch on Prison Discipline.

It has been repeatedly brought to my knowledge, that this mode of punishment fails to possess most of the essential qualities of an efficient secondary punishment. But besides this decisive

objection in principle, it has frequently happened, owing to difficulties which have either been actually experienced, or have been supposed to exist, in effecting the removal of Convicts sentenced to Transportation, that convicts have been detained in prison for several years before their sentences were carried into execution. Cases have also occurred, in which sentences thus pronounced have been found, on investigation, to be altogether illegal; in consequence of which a necessity has arisen for granting His Majesty's Free Pardon, and for providing for the expense of sending such persons back to the Colony from whence they came.

Independently, however, of considerations of this nature, the interest of the Australian Colonies requires that the present system of Transportation should at least undergo considerable modification, with a view to the reduction of the number of Convicts annually sent there, and the substitution of some other and more efficient punishment. For these reasons I have to desire that, at the same time you bring under the consideration of the Legislature of Upper Canada the subject of Prison Discipline, you will invite their attention to a revision of those laws by which the punishment of Transportation is sanctioned, and recommend the adoption of such measures as may be requisite for the purpose of substituting in its place some other secondary punishment.— You will of course consult with the Judges of the Colony under your Government, and co-operate with them in the consideration of this subject. In the mean time, and until such laws are passed as are necessary for the change, you will, in any case in which the sentence of transportation has been pronounced, commute it for a reasonable length of imprisonment, or such other punishment as, according to the law of the Colony, may be practicable.

I have the honor to be,

Sir,

Your most obedient humble Servant,

(Signed)

GLENELG.

Lieut. Gov'r Sir FRANCIS B. HEAD, Bart.,

&c. &c. &c.

A true Copy.

J. JOSEPH.

[Copy.]

No. 208.

DOWNING STREET,
28th July, 1837.

SIR,

With reference to your Despatch of the 24th February last, No. 16, I have the honour to inform you that the Lords Commissioners of the Treasury have instructed the Queen's Printers to forward, at the close of each Session, commencing with the Session just terminated, to the Speaker of the House of Assembly of Upper Canada, a set of the Acts of the Imperial Parliament.

I have the honour to be, &c.,

(Signed)

GLENELG.

Sir F. HEAD, Bart.

&c. &c. &c.

A true Copy.

J. JOSEPH.

[Copy.]

No. 218.

DOWNING STREET,
9th August, 1837.

SIR,

I have the honour to inform you that Her Majesty's Government have recently had under their consideration the Act passed by the Legislature of Upper Canada during the Session of 1836, for the establishment of Mutual Insurance Companies in the several Districts of that Province. To this Act in its present form it has appeared to Her Majesty's Government that there are several objections of considerable importance.

By the 16th clause of the Act, the responsibility of the Shareholders is limited to one per cent on their Deposit Notes beyond the amount of their respective Insurances. This is more to be deprecated because there is at the same time, no realized capital except a per centage on the Deposit Notes; and although a distinction may be drawn between public Companies, and those which are formed on the principle of Mutual Assurance, H. M. Government would be most reluctant to concede to either class a privilege which might probably be productive of injurious consequences, and they cannot but apprehend that embarrassments would result from so inadequate a provision as that which is made in this Act, against the losses incidental to Establishments of this description. H. M.'s Government are also unwilling to sanction that provision of the third clause, which authorises the Companies to become the proprietors of land, as they conceive that such a power might eventually lead, in a country like Upper Canada, to much public inconvenience. Nor are these the only objections to which this Act appears to be liable. The design of it is, in the opinion of H. M.'s Government, far too general. Instead of being confined, as is the general practice, to a single Company, it extends to as many Companies as there are Districts in Upper Canada; any forty freeholders in a District being authorised to form a Company, under the Act, provided only that there be but one Company in each District. It would seem necessary that this power

Despatch relative to
furnishing Acts of
Imperial Parliament.

Despatch respecting the
Act establishing Mutual
Insurance Companies.

of multiplying Companies should at least be controlled by requiring the previous consent of some public officer to be named for that purpose, in which case it would be possible to dispense with the restriction as to the number of Companies in any District; a restriction which is liable to the objections urged against monopolies in general, and which might become very inconvenient in a country rapidly increasing in population and wealth.

Lastly—The arrangement sanctioned by the twelfth clause, by which a capital of Deposit Notes is constituted, appears to H. M.'s Government to be objectionable. It is, in their opinion, indispensable that a fixed amount of realised capital should be laid up. Admitting the difficulty of raising money in Upper Canada to be an argument against any unnecessary appropriation of it in public Companies, and that the shares would be very slowly taken, if any large portion of their amount were required to be paid on the formation of each Company, H. M.'s Government still think that the same cause would place equal difficulties in the way of realising the Deposit Notes, so that in the absence of any standing capital, or confining it to a per centage on the Deposit Notes, as proposed in Section 12, the losses of the Company would not be defrayed without great delay and constant litigation.

I have thought it my duty, before advising Her Majesty to adopt any decision respecting this Act, distinctly to bring under the notice of the Legislature of Upper Canada the objections to which it has appeared to be liable. If those objections should, in their opinion, be well-founded, they will, no doubt, take the necessary steps for amending this Act. But if, after considering my present Despatch, the Legislative Council and Assembly should deliberately dissent from the views expressed in it, you will, without delay, give me notice of such result.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed)

GLENELG.

Lieutenant Governor,

Sir FRANCIS B. HEAD, Bart, K. C. H.

&c. &c. &c.

A true copy.

J. JOSEPH.

[Copy.]

No. 222.

DOWNING STREET,

26th August, 1837.

SIR,

I have received your Despatches dated 12th and 20th July, Nos. 82 and 84, and have had the honour to lay before the Queen the Report contained in the former of these Despatches of the proceedings of the Legislature of Upper Canada, in the second Session of the present year. Her Majesty has received with great satisfaction, the proof which has thus been given of the adherence, under circumstances of no ordinary difficulty, of the Legislature of that important portion of the British Empire, to the principles of commercial faith and national honour. Her Majesty is pleased to regard it as no ordinary felicity that the first act of Her Government, in reference to that part of Her dominions, should be to give Her Assent to a Law conceived in such a spirit, and calculated, as she trusts, by sustaining public confidence, to avert the danger in the contemplation of which it was passed. It has been very satisfactory to the Queen to learn that the Chartered Banks of the Province, had, down to so late a period as the 20th July, persevered in the honourable course of fulfilling their engagements, regardless of the risk and the loss to which they might be exposed by keeping faith with their Creditors.

Despatch respecting proceedings of last Session.

Her Majesty is convinced that this sacrifice will be amply repaid by the just reliance which will be reposed in the honour of the Conductors of those Establishments. I am honoured by the commands of the Queen to convey to you the expression of Her Majesty's entire approbation of the firmness and ability by which your conduct in this trying exigency has been distinguished.

I have the honour to be,

Sir,

Your most obedient humble Servant,

(Signed)

GLENELG.

Sir. F. B. HEAD, Bart.,

&c. &c. &c.

A true Copy.

J. JOSEPH.

[Copy.]

No. 225.

DOWNING STREET,

30th August, 1837.

SIR,

I have had the honour to receive, and to lay before the Queen, your Despatch, No. 84, of the 17th July, transmitting three Addresses from the House of Assembly of Upper Canada, dated respectively the 29th June, and the 4th and 8th of July; and I have received Her Majesty's commands to direct you to return the following answer to them.

Despatch respecting Addresses on Murray Canal, granting lands to Millie, and Canal at St. Anne's Rapids.

With regard to the Address respecting the proposed Canal across the Isthmus of Prince Edward, the Queen authorises you to carry into effect the recommendation of the House of Assembly, if on a farther consideration of the subject that House shall see no cause to depart from the view which they have already taken of the question. But Her Majesty observes that the appropriation of specific portions of Land with a view of raising hereafter a Fund to be devoted to a particular object, may perhaps provide for that object at a greater expense to the public, than if the more ordinary course were adopted of defraying the charge by a grant from the General Revenue. The Land to be set apart until the time shall arrive for the completion of the Canal, will not only be unprofitable during that interval, but will interfere with the formation of settlements in that vicinity. The plan would seem therefore to be open to the objections so strongly and repeatedly urged to the Crown and Clergy Reserves. The Queen however refers this question to the wisdom of the House of Assembly, by whose advice you will regulate your conduct.

With regard to the Address praying that Lands may be granted to such of Her Majesty's subjects as served in the Militia during the late war with the United States of America after the first term of service had expired, the Queen receives with deep regret the intimation of the House of Assembly that the distinction to which the Address refers has been felt by those who served at a later period as implying that their services were not equally meritorious, and had not evinced the same zeal and loyalty in defence of the country with those who served during the first period of service. Her Majesty, although acquainted with the occurrences of that war only as a matter of history, has deep and lively sense of the courage, loyalty, and patriotism, exhibited by the whole body of the Militia of Upper Canada in that arduous and most important service. It would be most grateful to Her Majesty's feelings to give to those brave men, or to their descendants, a substantial proof of the cordial and honourable remembrance in which their self-devotion is held.

But the Queen apprehends that the Act passed by the two Houses of the Provincial Legislature in the first session of the present year, will, if ultimately confirmed, after having been laid before Parliament, preclude Her Majesty from a compliance with the terms of this Address.

With regard to the Address for the construction of a Canal at St. Anne's Rapids, the Queen has commanded the Lords Commissioners of Her Majesty's Treasury to consider and report to Her Majesty whether there are at Her Majesty's disposal any funds applicable to this service, and which might properly be so applied, and if not whether it would be proper that application should be made to Parliament for such funds. When the question shall have been considered by the Lords Commissioners of the Treasury, the Queen will issue such farther commands to Her Majesty's Secretary of State having the Department of the Colonies, as may be necessary for your information and for that of the House of Assembly of Upper Canada.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

GLENELG.

Sir F. B. HEAD, Bart.,

&c. &c. &c.

A true copy.

J. JOSEPH.

(FOR REPORT OF COMMISSIONERS, DUNNVILLE BRIDGE—REPORT OF COMMISSIONERS, STEAM DREDGE—AND, REPORT OF COMMISSIONERS FOR IMPROVEMENT OF ST. LAWRENCE—*See Appendix.*)

Mr. Speaker Ruttan made the following statement:—

“ I beg to acquaint the House, that, having been elected as your Speaker in consequence of a peculiar exigency which occasioned the unavoidable absence of your Speaker, the Honourable Allan N. MacNab, on public duty, in defence of the Province, I took the chair with a great desire to serve the House; but as Mr. MacNab has been enabled to resume his place in the House, I humbly pray that I may be discharged from the further performance of the duty of Speaker.”

Mr. Ruttan then left the Speaker's chair.

Mr. Speaker MacNab took the chair.

Adjourned.

Statement of Mr. Speaker Ruttan on relinquishing the Chair.

Mr. Speaker MacNab takes the Chair.

Thursday, 25th January, 1838.

The House met.

The minutes of yesterday were read.

Mr. Burwell, seconded by Mr. Chisholm, *of Halton*, moves that an humble Address be presented to His Excellency, the Lieutenant-Governor, informing His Excellency that the Honourable Allan Napier MacNab, the Speaker of this House, has returned from the discharge of the military duties assigned him by Her Majesty's Government, in quelling the late Rebellion and defending the Niagara Frontier from invasion, and has resumed the duties of Speaker of this House in place of Henry Ruttan, Esq., who was appointed Speaker during his absence;—and that the 31st Rule of this House be dispensed with so far as relates to the same,—and that Messrs. Cartwright and Murney be a committee to draft, report, and present the Address.

Address to His Excellency announcing return from the Frontier of Mr. Speaker MacNab, ordered.

Which was carried.

Mr. Sherwood, seconded by Mr. Thomson, moves that it be *Resolved*—That the Speaker do give the Thanks of this House to Henry Ruttan, Esq., for the readiness, faithfulness, and ability with which he has performed the service of this House as Speaker, in the absence of the present Speaker.

Motion for thanks of the House to Mr. Ruttan for his services as Speaker.

Which was carried, *nem. con.*

Carried, *nem. con.*

P R E S E N T.

Messieurs *Attorney-General, Bockus, Burwell, Cameron, Cartwright, Chisholm, of Halton, Chisholm, of Glengarry, Cook, Dellar, Duncombe, Ferrie, Malloch, Manahan, Marks, McCrae, McDonell, of Northumberland, McDonell, of Stormont, McIntosh, McKay, McLean, Merritt, Murney, Morris, Norton, Parke, Powell, Richardson, Robinson, Rykert, Shade, Sherwood, Thomson, Thorburn, Woodruff.*

Present.

The Speaker then read the Resolution to Mr. Ruttan, and said,

Speaker reads the resolution, and addresses Mr. Ruttan.

“It gives me very great satisfaction to perform the pleasing duty the House has required of me by their unanimous voice; and I can only add my entire concurrence in this high expression of the approbation of the Representatives of the People of Upper Canada: and I take leave thus publicly to assure you of my sincere personal esteem.”

The following Petitions were severally brought up and laid on the table:

Petitions brought up.

By Mr. Cartwright, the petition of Joseph Stinson and fifteen others.

J. Stinson and 15 others.

By Mr. Merritt, the petition of Hezekiel Davis and one hundred and five others, of the County of Haldimand.

H. Davis and 105 others.

By Mr. McKay, the petition of Angus McGillivray and two hundred and sixty-three others, of the townships of Lochiel and Kenyon, Eastern District.

A. McGillivray and 263 others.

By Mr. Marks, the petition of Edmund A. Mathewson, and one hundred and twelve others.

E. A. Mathewson and 112 others.

By Mr. Manahan the petition of Doctor Dormer, of the town of Kingston.

Dr. Dormer.

By Mr. Ferrie, the petition of Nancy Strobridge, widow of the late James Gordon Strobridge, contractor for the Burlington Bay Canal.

Nancy Strobridge.

By Mr. Sherwood, the petition of William Chisholm, Esquire, Colonel commanding the 2nd Regiment Gore Militia.

W. Chisholm, Esq.

Pursuant to the order of the day, the bill to cover the contingencies of the two last Sessions was read the third time and passed.

Covering Bill read third time and passed.

Mr. Bockus, seconded by Mr. Thorburn, moves that the bill be entitled, “An Act to make good certain moneys advanced in compliance with the Addresses of the House of Assembly during the first and second Sessions of the present Parliament, for the contingent expenses of the Legislature of this Province.”

Title.

Which was carried, and Messrs. Bockus and Thorburn were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the bill to levy a tax on the Canada Company's lands was read the third time.

On the question for passing the bill the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—27.

Messieurs *Armstrong, Bockus, Burwell, Cameron, Chisholm* of Glengarry, *Dellor, Duncombe, Ferrie, Kearnes, Lewis, Malloch, Marks, McCrae, McDonell* of Stormont, *McIntosh, McKay, McLean, Merritt, Murney, Parke, Robinson, Rykert, Shade, Sherwood, Thomson, Thorburn, Woodruff*—27.

N A Y S.

Nays—5.

Messieurs *Attorney-General Cartwright, Manahan, Powell, Solicitor-General*—5.

Carried, majority 22.

The question was carried in the affirmative by a majority of twenty-two, and the bill was passed.

Title.

Mr. Rykert, seconded by Mr. Shade, moves that the Bill be entitled, "*An Act to tax certain lands held by the Canada Company in this Province, and for other purposes therein mentioned.*"

Which was carried, and Messrs Rykert and Shade were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council and to request their concurrence thereto.

Mr. Sherwood, seconded by Mr. Ferrie, moves that the petition of William Chisholm, Esquire, be read forthwith, and that the 41st rule of this House be dispensed with so far as it relates to the same.

Petition of W. Chisholm, Esq., read.

Which was carried, and the petition of William Chisholm, Esquire, Colonel commanding the 1st Regiment Gore Militia, praying the House to enquire into the conduct of Captain Richardson, of the Steamboat Transit, and Commissary General Routh, in refusing to bring over certain Militia Men from the Niagara Frontier, was read.

Petitions referred:

On motion of Mr. Sherwood, seconded by Mr. Ferrie,

Of W. Chisholm, Esq.

Ordered—That the petition of William Chisholm, Esquire, be referred to a Select Committee, consisting of Messrs. Cartwright, Bockus, Shade, and Rykert, with power to send for persons and papers, and to report thereon.

Of Hon. J. H. Dunn.

On motion of Mr. Attorney General, seconded by Mr. Murney, *Ordered*—That the petition of the Honorable John Henry Dunn be referred to Messrs. Solicitor General and Robinson, to report thereon by bill or otherwise.

NOTICES:

Of Committee of Supply to obtain portrait of Speaker.

Mr. Cameron gives notice that he will on to-morrow, move that this House do resolve itself into a Committee of Supply, for the purpose of granting a sum of money to obtain a portrait of the Honourable the Speaker of this House, to be put up within the same, as a small testimonial of his patriotic and gallant conduct during the late insurrection.

Of Committee of Supply to grant pensions to widows and children of Capt. McNab & Church.

Mr. Murney gives notice that he will, on to-morrow, move that the House do resolve itself into a Committee of Supply, for the purpose of granting a sum of money to Her Majesty to provide an annual pension to the widows and children of the late Captain MacNab and Captain Church, killed while on service during the late rebellion.

Of Bill to attach property of absconding debtors.

Mr. Merritt gives notice that he will, on the morrow, move for leave to bring in a Bill to amend an Act for attaching the property of Absconding Debtors.

Address announcing return of Mr. MacNab reported and read twice.

Mr. Cartwright, from the Committee to draft and report an Address to His Excellency the Lieutenant Governor, pursuant to the Resolution of this

House, announcing the return, from the Frontier, of Mr. Speaker MacNab, reported a draft, which was received and read twice, and ordered to be engrossed and read a third time this day.

3rd reading to-day.

Mr. Kearnes, from the Committee to draft and report Bills, pursuant to the Resolutions of Supply, reported the draft of a Bill, which was received and read the first time.

Select Com. to draft Bills on Supply resolutions, report Militia Pension bill. Bill read first time.

Ordered—That the Bill to provide pensions for the widows and children of Militiamen, killed in defence of the Province, be read a second time to-morrow.

2nd reading to-morrow.

Pursuant to the order of the day, the Address to His Excellency, the Lieutenant-Governor, for copies of the Canada Company's Returns, was read the second time, and referred to a committee of the whole.

Address for Canada Company's Returns, read 2nd time and committed.

Mr. Thorburn in the chair.

The House resumed.

The Chairman reported the Address, without amendment.

Reported without amendment.

The Report was received, and the Address was ordered to be engrossed and read a third time this day.

3rd reading to-day.

Pursuant to the order of the day, the bill authorising a tax on certain wild lands in the Counties of Norfolk and Haldimand was read the second time.

Norfolk and Haldimand Wild Land Tax Bill read 2nd time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Ferrie in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The report was received.

Ordered—That the bill be engrossed and read a third time to-morrow.

3rd reading to-morrow.

Pursuant to the order of the day, the Bill to amend the Act establishing a Court of Chancery, was read the second time.

Bill to amend Chancery Act read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Chisholm, of *Glengarry*, in the chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the bill, and asked leave to sit again to-morrow.

Progress reported.

The Report was received, and leave granted accordingly.

The Master in Chancery brought down from the Honourable the Legislative Council, a Message, and the Bill entitled,

Message from Legislative Council.

"An Act to authorise the erection of a Jail and Court House at Brockville, in the District of Johnstown,"

Brockville Gaol Bill amended.

To which that Honourable House had made some amendments, and requested the concurrence of this House thereto.

The Message was read by the Speaker as follows:—

MR. SPEAKER,

Message.

The Honourable Messrs. Cameron, Markland, Dunn, and Macaulay, have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message received yesterday, if they think fit.

Leave to Messrs Cameron, Markland, Dunn, and Macaulay, to attend Select Committee.

JOHN B. ROBINSON,

Speaker.

Legislative Council Chamber, }
25th day of January, 1838. }

Amendments to Brockville Gaol Bill read first time.

The amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, entitled,

"An Act to authorise the erection of a Gaol and Court House at Brockville, in the District of Johnstown,"—

Were read the first time, as follows:—

Amendments.

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

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

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
24th day of January, 1838. }

Amendments concurred in.

Mr. Sherwood, seconded by Mr. Morris, moves, that the amendments of the Legislative Council to the Bill, authorising the erection of a Gaol at Brockville, in the District of Johnstown, be concurred in.

Which was carried.

Messrs. Sherwood and Morris were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the amendments.

Address for Canada Company's Returns read 3rd time and passed.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor, for copies of the Canada Company's Returns, was read the third time and passed, and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

Address

We, Her Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to furnish this House with as little delay as possible, with a Copy of the documents which accompanied Your Excellency's Message of the 13th February last, on the subject of the agreement between Her Majesty's Government and the Canada Company, which documents have been lost or mislaid and have not been printed as directed by an order of this House of 22nd February last—whereby the Journals of the House are incomplete.

ALLAN N. MACNAB,
Speaker.

Commons' House of Assembly, }
25th January, 1838. }

On motion of Mr. Shade, seconded by Mr. Chisholm of Halton,

Ordered—That Messrs. Ferrie and Cornwall be a Committee to wait upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive the Address of this House, and to present the same.

Address announcing return of Mr MacNab, read third time.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor, announcing the return from the frontier of Mr. Speaker McNab, was read the third time.

On passing.

On the question for passing the Address, the Yeas and Nays were taken as follows:

Y E A S.

Yeas—26.

Messieurs *Armstrong, Burwell, Cameron, Cartwright, Chisholm of Halton, Chisholm of Glengarry, Cornwall, Dellar, Dunlop, Ferrie, Jarvis, Lewis, Malloch, Manahan, Marks, McIntosh, McKay, McLean, Morris, Parke, Robinson, Rykert, Shade, Sherwood, Thomson, Thorburn*—26.

N. A. Y. S.

Messieurs *McDonell* of Stormont, *Richardson*—2.

Nays—2.

The question was carried in the affirmative by a majority of twenty-four, and the Address was passed, and is as follows :—

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

MAY IT PLEASE YOUR EXCELLENCY,—

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave most respectfully to inform Your Excellency, that the Honourable Allan Napier McNab, the Speaker of this House, has returned from the discharge of the Military duties assigned him by Her Majesty's Government, in quelling the late rebellion and defending the Niagara Frontier from invasion, and has resumed the duties of Speaker of this House, in place of Henry Ruttan, Esquire, who was appointed Speaker during his absence.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly, }
25th day of January, 1838. }

Pursuant to the order of the day, the Grantham Navigation Company Bill was read the second time. Grantham Navigation Co. Bill read second time and committed.

The House was put into a Committee of the whole on the bill.

Mr. Shaver in the chair.

The House resumed.

The Chairman reported that the committee had agreed to the bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Pursuant to the order of the day, the bill to amend the Welland Canal Charter was read the second time. Welland Canal Charter Amendment Bill read 2nd time and committed.

The House was put into a Committee of the whole on the bill.

Mr. Jarvis in the Chair.

The House resumed.

The Chairman reported that the committee had agreed to the Bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Adjourned.

Friday, 26th January, 1838.

The House met.

The minutes of yesterday were read.

The following petitions were severally brought up and laid on the table :— Petitions brought up :

By Mr. Robinson, the petition of Thomas Phillips, D. D. and sixty-six others, of the townships of Toronto and Etobicoke (York) and the petition of Robert Parker and thirty others of the township of King (York.) Dr Phillips and 66 others.
R. Parker and 30 others.

By Mr. Solicitor General, the petition of John Linfoot, of the County of York, and the petition of Colonel Richard Bullock, Adjutant General of Militia in Upper Canada. John Linfoot.
Col. Bullock.

W. N. Bottum and 62 others.
Terence Smyth and 11 others.

By Mr. Sherwood, the petition of W. N. Bottum, J. P. and sixty-two others, of the County of Grenville, and the petition of Terence Smyth and eleven others, of the same place.

Roderick Ross and 39 others.

And by Mr. Bokus, the petition of Roderick Ross and thirty-nine others, of the County of Prince Edward.

Norfolk and Haldimand Wild Lands Tax Bill read 3rd time and passed.

Pursuant to the order of the day, the bill to tax certain wild lands in Norfolk and Haldimand, was read the third time and passed.

Title

Mr. Merritt, seconded by Mr. Rykert, moves that the bill be entitled, "*An Act to impose a tax for a limited period, on certain wild lands in the Counties of Norfolk and Haldimand, for the purpose of keeping the roads, adjoining thereto, in repair.*"

Which was carried, and Messrs. Merritt and Rykert were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council and to request their concurrence thereto.

Grantham Navigation Company Bill read 3rd time and passed.

Pursuant to the order of the day the Grantham Navigation Company Bill was read the third time and passed.

Title

Mr. Rykert, seconded by Mr. Robinson, moves that the bill be entitled, "*An Act to incorporate sundry persons under the style and title of the 'Grantham Navigation Company,' and for other purposes therein mentioned.*"

Which was carried, and Messrs. Rykert and Robinson were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Welland Canal Charter amendment Bill read 3rd time and passed.

Pursuant to the order of the day, the bill to amend the Welland Canal Charter was read the third time and passed.

Title

Mr. Robinson, seconded by Mr. Rykert, moves that the bill be entitled, "*An Act to amend the Charter of the Welland Canal Company.*"

Which was carried, and Messrs. Robinson and Rykert were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Petition of D. Thompson and 154 others read.

Pursuant to the order of the day, the petition of David Thompson, and one hundred and fifty-four others, of the County of Haldimand, praying that said County may be erected into a separate District, was read.

On motion of Mr. Shade, seconded by Mr. McKay,

Petitions referred :
Of D. Nicklin and others.

Ordered—That the petition of Daniel Nicklin and others, be referred to a Select Committee, consisting of Messrs. Rykert, Richardson, and Chisholm *of Halton*, to report by bill or otherwise.

On motion of Mr. Rykert, seconded by Mr. Merritt,

Of D. Thompson and others.

Ordered—That the Petition of David Thompson and others, praying that the County of Haldimand be formed into a separate District, be referred to a committee, consisting of Messrs. Thorburn and Chisholm, *of Halton*, with power to report thereon.

NOTICES :
Of Bill to amend Charter of Great Western Rail Road Company.

Mr. Cameron gives notice that he will, on to-morrow, move for leave to bring in a Bill to Amend the Charter of the Great Western Railroad Company.

Of Committee of Supply to grant Swords to Col. MacNab and Capt. Drew.

Mr. Burwell gives notice that he will, on to-morrow, move that this House do resolve itself into a committee of the whole on Supply, for the purpose of granting to Her Majesty a sum of money to enable Her Majesty to cause to be presented to the Hon. Allan Napier MacNab, the Speaker of this House, a native of this Province, and Colonel in the Militia Forces, a suitable Sword, as a token of the regard in which his services are held for the promptitude, zeal, and ability displayed by him when called upon by the Representative of his Sovereign to quell and put down the late wicked and unnatural rebellion in this Province, and to defend our Niagara Frontier from invasion by a piratical force. And to enable Her Majesty to cause to be presented to Andrew Drew, Esq., a retired Commander of the Royal

Navy, a suitable sword as a memorial of the estimation in which his gallant services are held for the capture and destruction of the piratical Steamer, "Caroline," while employed in supplying a banditti of pirates, rebels, and incendiaries, then in the occupation of Navy Island, within Her Majesty's Province of Upper Canada, with volunteer pirates, provisions, arms, ordnance, and other munitions of war from the United States, for the purpose of enabling that piratical force to rob and destroy the inhabitants of this Province.

On motion of Mr. Cartwright, seconded by Mr. Sherwood,

Ordered—That a Message be sent to the Honourable the Legislative Council, requesting that the Honourable John Elmsley have leave to attend the Committee of this House to inquire into the detention of certain Militia on the Niagara Frontier.

Message to be sent to Leg. Council, requesting leave for Mr. Elmsley to attend Select Committee.

Pursuant to the order of the day, the bill to regulate Statute Labour was read the second time.

Statute labor regulation bill read 2nd time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Bockus in the Chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again to-morrow.

Progress reported.

The Report was received, and leave granted accordingly.

Pursuant to the order of the day, the House was again put into a Committee of Supply on the report of Select Committee on Petition of Owen Richards.

House in Committee on Report on Petition of Owen Richards.

Mr. Shaver in the Chair.

The House resumed.

The Chairman reported that the Committee had made some further progress in the consideration of the Report, and asked leave to sit again to-morrow.

Progress reported.

The Report was received, and leave granted accordingly.

Pursuant to notice, Mr. Richardson, seconded by Mr. Ruttan, moves for leave to bring in a bill to provide for the more effectual Defence of this Province in cases of insurrection or invasion.

Bill to disfranchise persons refusing to bear arms in defence of the Province, brought in.

Which was granted, and the bill was read the first time.

Ordered—That the Bill be read a second time to-morrow.

2nd reading to-morrow.

On the order of the day for a committee of the whole on the bill to determine the authority of the Heir and Devizee Commissioners being called,

In amendment, Mr. Solicitor-General, seconded by Mr. Bockus, moves that the order of the House for going into committee of the whole upon the Heir and Devizee Law Amendment Bill be discharged, and that the bill be referred to a Select Committee, to consist of Messrs. Boulton, Cartwright, Richardson, and Cameron, with leave to send for persons and papers, and to report thereon.

Heir and Devizee Com'n. Bill referred to Select Committee.

Which was carried.

Pursuant to notice, Mr. Murney, seconded by Mr. Malloch, moves, that a Select Committee be appointed, consisting of Messrs. Cartwright, Sherwood, and Richardson, to inquire into, and report, the amount of Fees received by the Clerk of the Crown in this Province, for the last two years, ending on the first day of January, 1838, and on what account the same were received, and other matters connected with his office, with power to send for persons and papers.

Select Com. appointed on fees of Clerk of the Crown.

Which was carried.

Amendments to Huron District bill read 2nd time and committed.

Pursuant to the order of the day, the amendments made by the Honorable the Legislative Council, in and to the Bill sent up from this House, entitled,

"An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District"—

Were read the second time.

The House was put into a Committee of the whole on the amendments.

Mr. Robinson in the chair.

The House resumed.

The chairman reported that the Committee had agreed to the amendments, and submitted them for the adoption of the House.

The report was received.

The amendments were then read the third time and passed.

Messrs. Dunlop and Richardson were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House has concurred in the amendments.

Read third time and passed.

Address for information respecting the Canada Company, ordered.

Mr. Shade, seconded by Mr. Merritt, moves, that it be *Resolved*,—That an humble Address be presented to His Excellency the Lieutenant Governor, requesting His Excellency will be pleased to lay before this House, with as little delay as possible, a statement in detail of the several sums expended by the Canada Company, (and brought to their credit in account with the Executive Government in part payment for lands sold them in this Province), for making Roads, building Bridges, Wharves, Piers, or any other erections,—the name or names of the different Contractor or Contractors,—the specific sum or sums paid for each Contract separately and apart from anything connected with the private business of the Company in charge of their Agencies,—as also the name or names of the person or persons that have examined and approved of such expenditure on the part of the Executive Government of this Province, before the commencement of any work, and after the completion of the several Contracts,—a statement of the Lands purchased by the Canada Company from Her Majesty's Government during the twelve years ending on the 1st day of January, 1838, according to the spirit, intention, and meaning of the 30th Article of the agreement between Her said Majesty's Government and the said Canada Company; as also a statement of the names of all Settlers placed upon any of the said Lands during the years following the date of the said agreement, and a description of the lands upon which they were so placed; and also a statement setting forth at length any and all the Returns which the said Company may have made during the period first mentioned, according to the intention and meaning of the thirtieth clause aforesaid: and that the 31st Rule of this House be dispensed with so far as relates to the same; and that Messrs. Rykert and Manahan be a Committee to draft, report, and present the same.

Which was carried.

Address for returns of applications for lands by religious bodies, ordered.

Pursuant to notice, Mr. Cartwright, seconded by Mr. Detlor, moves that an humble Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to this House a return of all applications made by the several religious denominations for grants of land, together with the several answers to such applications, and that Messrs. Jarvis and Sherwood be a committee to draft, report, and present the same.

Which was carried.

Mr. Sherwood, from the Committee to draft and report the Address, reported a draft which was received and read twice, and ordered to be engrossed and read a third time this day.

Address reported, and read twice.

3rd reading to-day.

Pursuant to notice, Mr. Richardson, seconded by Mr. Solicitor General, moves for leave to bring in a bill to prevent the expenditure of any sum of money for public improvement in this Province until ways and means be provided for the payment of interest.

Motion for leave to bring in a bill to delay expenditure of money for public improvements.

On which the Yeas and Nays were taken, as follows:—

Division.

YEAS.

Messieurs *Burwell, Chisholm of Glengarry, Cook, Dettlor, Dunlop, Kearnes, Lewis, McIntosh, Norton, Parke, Richardson, Robinson*—12.

Yeas—12.

NAYS.

Messieurs *Armstrong, Bockus, Cameron, Cartwright, Chisholm of Halton, Ferrie, Gowan, Jarvis, Manahan, Marks, McCrae, McDonell of Northumberland, McDonell of Stormont, McKay, McLean, Ruttan, Rykert, Shade, Sherwood, Thomson, Woodruff*—21.

Nays—21.

The question was decided in the negative by a majority of nine.

Lost, majority 9.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor, for information relative to the capture of the piratical Schooner "Anne," was read the second and third time, and is as follows:—

Address on capture of "Anne" read 2nd and 3rd times and passed.

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

MAY IT PLEASE YOUR EXCELLENCY,—

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to transmit, for the information of this House, copies of all correspondence and papers having any reference to the capture of the piratical Schooner "Anne" by the men of Kent, off the town of Amherstburgh in the Western District.

Address.

Commons House of Assembly, }
Twenty-sixth day of January, 1838. }

ALLAN N. MACNAB,
Speaker.

Pursuant to the order of the day, the bill to provide for the compensation of Jurors was read the second time.

Juror's compensation bill read 2nd time and committed.

The House was put into a Committee of the whole on the bill.

Mr. McKay in the chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again to-morrow.

Progress reported.

The Report was received, and leave granted accordingly.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor for return of applications for land by religious bodies, was read the third time, and passed, and is as follows:—

Address for return of applications for lands by religious bodies, read 3rd time and passed.

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

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to transmit to this House a return of all applications made by the several religious denominations for grants of land, together with the several answers to such applications, and also all grants made without application.

Address.

Commons House of Assembly, }
26th day of January, 1838. }

ALLAN N. MACNAB,
Speaker.

Amendments to bill to amend Johnstown District road act, read 2nd time and committed.

Pursuant to the order of the day, the amendments made by the Honourable the Legislative Council in and to the Bill sent up from the House, entitled,

"An Act to amend an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, entitled 'An Act to raise a sum of money to Macadamize the roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverly, and Portland, in the District of Johnstown, and to authorise the erection of Toll-gates on the said roads'—"

Were read the second time.

The House was put into a Committee of the whole on the amendments.

Mr. Jarvis in the chair.

The House resumed.

The Chairman reported that the committee had agreed to the amendments and submitted them for the adoption of the House.

The Report was received.

Read 3rd time and passed.

The amendments were then read the third time and passed.

Messrs. Gowan and Dunlop were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the amendments.

Fisheries regulation bill brought in.

Pursuant to notice, Mr. Cameron, seconded by Mr. Shaver, moves for leave to bring in a bill to regulate Fisheries within this Province.

Bill read first time.

Which was granted, and the Bill was read the first time.

Ordered—That the Bill be read a second time to-morrow.

Militia Bill read second time and committed.

Pursuant to the order of the day, the Militia bill was read the second time.

The House was put into a Committee of the whole on the bill.

Mr. Marks in the chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some progress in the bill, and asked leave to sit again to-morrow.

The Report was received, and leave granted accordingly.

Bill to abolish Imprisonment for Debt, again committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to abolish Imprisonment for Debt.

Mr. McLean in the chair.

The House resumed.

Progress reported.

The chairman reported that the Committee had made some further progress in the Bill, and asked leave to sit again to-morrow.

The Report was received, and leave granted accordingly.

Messages from Legislative Council.

The Master in Chancery brought down from the Honourable the Legislative Council, the bill entitled,

Dalhousie District Bill sent down amended.

"An Act to erect certain townships now forming parts of the Districts of Bathurst, Johnstown, and Ottawa, into a separate District, to be called 'the District of Dalhousie,' and also to form within the same the Counties of Lothian and Carleton, and for other purposes therein mentioned ;"

And also the bill entitled,

Boundary Commissioners' Bill sent down amended.

"An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province ;"

To both of which that Honourable House had made some amendments, and requested the concurrence of this House thereto.

Amendments to Boundary Commissioners' Bill read first time.

The amendments made by the Honourable the Legislative Council in and to the bill sent up from this House entitled,

"An Act to erect certain townships now forming parts of the Districts of Bathurst, Johnstown, and Ottawa, into a separate District, to be called 'the District of Dalhousie,' and also

to form within the same the Counties of Lothian and Carleton, and for other purposes therein mentioned,"

Were read the first time, as follows:—

In the Title—After the word “Dalhousie,” expunge “and also to form within the same the Counties of Lothian and Carleton.” Amendments.

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

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

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

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

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

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

JOHN B. ROBINSON,

Speaker.

Legislative Council Chamber,
Twenty-sixth day of January, 1838. }

On the question for the second reading of the amendments the Yeas and Nays were taken as follows:—

On question for second reading of amendments,

Y E A S.

Messieurs *Attorney-General, Bockus, Cameron, Cartwright, Chisholm, of Halton, Dunlop, Ferrie, Kearns, Lewis, Malloch, Manahan, Marks, McKay, McLean, Merritt, Parke, Richardson, Robinson, Shade, Solicitor-General, Thomson, Thorburn—22.*

Yeas—22.

N A Y S.

Messieurs *Burwell, Dettlor, Gowan, Jarvis, McDonell, of Stormont, Murney, Morris, Powell, Ruttan, Shaver, Sherwood—11.*

Nays—11.

The question was carried in the affirmative by a majority of eleven, and the amendments were read the second time.

Carried, majority 11.

Read second time.

Mr. McKay, seconded by Mr. Chisholm of *Halton*, moves that the amendments made by the Honourable the Legislative Council to the bill for erecting a new District to be called “the District of Dalhousie,” be concurred in.

Motion that amendments be concurred in.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Attorney-General, Bockus, Cameron, Chisholm of Halton, Chisholm, of Glengarry, Dunlop, Ferrie, Kearnes, Lewis, Malloch, Manahan, Marks, McKay, McLean, Merritt, Parke, Richardson, Robinson, Shade, Solicitor-General, Thomson, Thorburn—22.*

Yeas—22.

N A Y S.

Nays—10.

Messieurs *Burwell, Cartwright, Deltor, Gowan, Jarvis, Murney, Morris, Powell, Shaver, Sherwood*—10.

Carried, majority 13.

The question was carried in the affirmative by a majority of twelve, and the amendments concurred in.

Messrs. McKay and Robinson were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the amendments.

Amendments to Boundary Commissioners' Bill read first time.

The amendments made by the Honourable the Legislative Council in and to the bill sent up from this House entitled,

"An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province,"

Were read the first time, as follows:—

Amendments.

Press 1, line 1—After "Whereas," expunge the remainder of the preamble, and insert "the errors or defects in Surveys heretofore made within this Province are found to occasion disputes and difference between individuals, touching the boundaries of Townships, Concessions, and Lots, and to involve parties in expensive litigation—And whereas it is expedient to provide a remedy for these evils by the appointment of Commissioners in every District, with the powers and under the restrictions hereinafter expressed."

" 1, " 17—Expunge "by."

" 1, " 18—Expunge "profession a," and insert "a licensed."

" 1, " 19—Expunge "to," and insert "for."

" 3, " 10—Expunge "Board," and insert "sitting."

" 3, " 12—After "Commissions," insert "or a majority of the Commissioners present at such sitting."

" 6, —After the ninth clause, insert "X. *And be it further enacted by the authority aforesaid,* That all copies of Plans, Descriptions, Instructions, Field Notes, or other evidences of Survey, and all other documents of a public character, certified by the Surveyor General, or person in charge of the office of the Surveyor General for the time being, or by the person in charge for the time being of any other public office in which any such document may be deposited, shall be admissible in evidence before such Commissioners, or upon any other judicial proceeding under this Act in the same manner, and no other, as if the same were proved by evidence given *viva voce*—Provided always, that it shall be the duty of any person employed in any public office in this Province, to answer upon Oath, to be administered before any Commissioner for taking Affidavits in the Court of King's Bench, any questions which the Commissioners to be appointed under this Act shall, in writing, require to be answered, and that the evidence obtained in such manner shall be received as if given *viva voce* before the Commissioners, provided it be made appear to their satisfaction that the parties interested have had a reasonable opportunity afforded to them of proposing questions by way of Cross-examination."

" 6, —Expunge the tenth clause, and insert "XI. *And be it further enacted by the authority aforesaid,* That if any person shall wilfully and corruptly swear falsely, in any matter deposed under this Act, either *viva voce*, or by way of answer in any written deposition, such false swearing shall be deemed to be perjury."

" 6, " 11—Expunge "XI," and insert "XII."

" " " 22—Expunge "XII," and insert "XIII."

" 7, " 1—After "Act," insert "either in person or by Counsel."

" " " 7—Expunge "XIII," and insert "XIV."

" " " 8—After "default," insert "in appearing either in person or by counsel."

" " " 14—Expunge "XIV," and insert "XV."

" 8, " 8—Expunge "XV," and insert "XVI."

" " " 12—Expunge "XVI," and insert "XVII."

" 9, " 2—After "District," insert "XVIII. *And be it further enacted by the authority aforesaid,* That the Commissioners, in all Surveys made by them, or under their direction, shall express the courses of lines according to the bearing of the Compass, and also according to the true meridional Line.

"XIX. *And be it further enacted by the authority aforesaid,* That as often as any lines or boundaries shall be finally established by the Commissioners under this Act, it shall be their duty to cause sufficient stone

monuments to be placed to mark such boundaries, and to award the expense thereof to be paid by the parties, or either of them, as they may think just, and to enforce the payment thereof in the same manner as of costs and other expenses under this Act."

- Press 9, line 3—Expunge "XVII," and insert "XX."
- " " " 10—Expunge "XVIII," and insert "XXI."
- " " " 23—Expunge "XIX," and insert "XXII."
- " 10 " 8—Expunge "XX," and insert "XXIII."
- " " " 15—Expunge "XXI," and insert "XXIV."
- " " " 17—Expunge "XXII," and insert "XXV."

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
26th day of January, 1838. }

Ordered—That the amendments be read a second time to-morrow.

2nd reading to-morrow.

Mr. Merritt, from the Committee on Finance, presented a second report, and the draft of an Address to His Excellency the Lieutenant Governor.

Com. of Finance report Address on Thos. Wilson and Co., and report.

The Report was received.

The Report was read, as follows:—

To the Honourable the COMMONS HOUSE OF ASSEMBLY.

The Committee to whom was referred the Public Accounts, the Casual and Territorial Revenue, &c., beg leave to present to Your Honourable House, as their second report, an Address to His Excellency the Lieutenant Governor on the subject of the balance due by the house of Thomas Wilson & Co., and on future loans, which they recommend to the adoption of Your Honourable House.

Report.

WM. HAMILTON MERRITT,
Chairman.

Committee Room, House of Assembly, }
26th January, 1838. }

The Address to His Excellency was read three times and passed, and is as follows:—

Address read three times and passed.

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

MAY IT PLEASE YOUR EXCELLENCY,—

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to furnish this House with all the information and documents Your Excellency may possess relating to the balance due from Thomas Wilson and Co., London, and also relative to any plan for raising future loans, in case they should be required for the public service, together with the correspondence of the Receiver-General on those subjects.

Address.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly, }
Twenty-sixth day of January, 1838. }

On motion of Merritt, seconded by Mr. Morris,

Ordered—That Messrs. Bockus and Thorburn be a committee to wait on His Excellency, to learn when he will be pleased to receive the Address of this House, and present the same.

Adjourned.

Saturday, 27th January, 1838.

The House met.

The minutes of yesterday were read.

Petitions brought up:

The following Petitions were severally brought up, and laid on the table:—

Allan N. MacNab, Esq.

By Mr. Ferrie, the Petition of Allan N. MacNab, Esq., of the Town of Hamilton.

Philip De Grassi.

By Mr. Gowan, the Petition of Philip de Grassi, of the Township of York, Home District.

E. Kellogg, J. P., and 170 others.

By Mr. Kearnes, the Petition of Elijah Kellogg, J. P., and one hundred and seventy others, of the District of Ottawa;—and the Petition of George Hamilton, J. P., and sixty-six others, of the Eastern District, and District of Ottawa.

G. Hamilton, J. P., and 60 others.

H. Allison, J. P., and 77 others.

By Mr. McCrae, the Petition of Harry Alison, J. P., and seventy-seven others, of the Township of Warwick, in the Western District.

R. Leslie and 625 others.

By Mr. Norton, the Petition of Robert Leslie, and six hundred and twenty-five others, of the Townships of Oxford, Marlborough, Wolford, Montague, and North and South Gower, in the District of Johnstown, and Mountain, in the Eastern District.

J. Wright and 119 others.

By Mr. Burwell, the Petition of John Wright and nineteen others, of the District of Talbot;—and the Petition of Charles Rust, of the Township of Bayham, District of London.

Charles Rust.

J. McLaurin and 62 others.

And by Mr. McKay, the Petition of John McLaurin, and sixty-two others, of the Township of Gloucester, District of Ottawa.

Petitions read:

Pursuant to the order of the day, the following Petitions were read:—

J. Stinson and 15 others.

Of Joseph Stinson, and fifteen others, praying the House to take into consideration the growing evil of Intemperance, and to take measures for its prevention.

H. Davis and 105 others.

Of Hezekiel Davis, and one hundred and five others, of the County of Haldimand, praying for the erection of said County into a separate District.

E. A. Mathewson and 112 others.

Of Edmund A. Mathewson, and one hundred and twelve others, praying the House to take into consideration the Union of the Provinces.

A. McGillivray and 263 others.

Of Angus McGillivray, and two hundred and sixty-three others, of the Township of Lochiel and Kenyon, Eastern District, praying that certain concessions of those townships may be formed into a separate township, to be called "Glenelg."

Dr. Dormer.

Of Dr. Dormer, of the town of Kingston, praying to be remunerated for his professional services in 1834.

Nancy Strobidge.

And of Nancy Strobidge, widow of the late James Gordon Strobidge, late contractor on the Burlington Bay Canal, praying for the interest on her late husband's claim for work done.

Allan N. MacNab, Esq.

Mr. Ferrie, seconded by Mr. Rykert, moves that the petition of Allan N. MacNab be read this day, and that the 31st rule of this House be dispensed with for that purpose, so far as relates to the same.

Which was carried, and the petition of Allan N. MacNab, Esquire, of the town of Hamilton, praying the House to confirm a certain order of the General Quarter Sessions respecting a Road allowance, was read.

Petitions referred:

On motion of Mr. Manahan, seconded by Mr. Murney,

Of John Dormer, M. D.

Ordered—That the petition of John Dormer, Esquire, M. D. be referred to a Select Committee, consisting of Messrs. Gowan, Marks, Detlor and Kearnes, with liberty to report thereon, and send for persons and papers.

On motion of Mr. Manahan, seconded by Mr. Parke,

Ordered—That the petition of the Rev. John Butler and others be referred to a Select Committee consisting of Messrs. Boulton, Ruttan, and McDonell of *Northumberland*, with liberty to send for persons and papers, and to report by bill or otherwise.

Of Rev. J. Butler and others.

On motion of Mr. Thorburn, seconded by Mr. Woodruff,

Ordered—That the report and vouchers sent down by His Excellency the Lieutenant Governor, respecting the Provincial Steam Dredge, be referred to a Select Committee, to consist of Messrs. Thomson, Rykert, and Chisholm of *Halton*, to report thereon.

Report and Vouchers on Steam Dredge, referred.

On motion of Mr. Ferrie, seconded by Mr. Rykert,

Ordered—That the petition of Nancy Strobridge be referred to a Select Committee, consisting of Messrs. Sherwood and Chisholm of *Halton*, with power to report thereon.

Of Nancy Strobridge.

On motion of Mr. Ferrie, seconded by Mr. Sherwood,

Ordered—That the petition of Allan N. McNab be referred to a Select Committee, consisting of Messrs. Chisholm of *Halton* and Rykert, with power to report thereon.

Of A. N. MacNab, Esq.

On motion of Mr. Marks, seconded by Mr. McKay,

Ordered—That the petition of Edmund Mathewson and others be referred to the Committee on the state of the Provinces.

Of E. Mathewson and others.

On motion of Mr. McKay, seconded by Mr. Chisholm of *Halton*,

Ordered—That the petition of Angus McGillivray and others be referred to a Select Committee composed of Messrs. McLean, Chisholm of *Halton*, Cameron, and Morris, with power to send for persons and papers, and to report thereon by bill or otherwise.

Of A. McGillivray and others.

Mr. Jarvis, seconded by Mr. Murney, moves that the bill to regulate the granting of certificate for costs in the Court of King's Bench, be restored to the order of the day.

Motion to restore Bill to regulate King's Bench Costs to the order of the day.

On which the Yeas and Nays were taken as follows:—

Division,

Y E A S.

Messieurs Burwell, Jarvis, Marks, Murney, Powell, Robinson—6.

Yeas—6.

N A Y S.

Messieurs Armstrong, Chisholm of Halton, Chisholm of Glengarry, Cook, Dellar, Duncombe, Dunlop, Ferrie, Gowan, Kearnes, Lewis, Malloch, McCrae, McDonell, of Stormont, McIntosh, McKay, Morris, Norton, Parke, Ruttan, Rykert, Shade, Shaver, Sherwood, Thorburn, Woodruff—26.

Nays—26.

The question was decided in the negative by a majority of twenty.

Lost, majority 20.

Mr. Merritt gives notice that he will, on Monday next, move for leave to bring in a bill to afford relief to disabled and infirm persons.

NOTICES:
Of Bill to relieve disabled and infirm.

Mr. Merrit gives notice, that he will move that this House resolve itself into a Committee of Supply on Monday next, on the report of the petition of Thomas Butler and other inhabitants of the County of Haldimand.

Of Committee of Supply on report on petition of T. Butler and others.

Mr. Thorburn, from the Committee to draft and report an Address to His Excellency the Lieutenant Governor pursuant to the resolution praying for certain information respecting the Canada Company's affairs, reported a draft, which was received and read three times and passed, and is as follows:

Address for information on Canada Company's affairs reported, read thrice, and passed.

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

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to lay before

Address.

this House, with as little delay as possible, a statement in detail of the several sums expended by the Canada Company, (and brought to their credit in account with the Executive Government in part payment for lands sold them in this Province,) for making roads, building bridges, wharves, piers, or any other erections; the name or names of the different Contractor or Contractors, the specific sum or sums paid for each contract separately and apart from any thing connected with the private business of the company in charge of their agents; as also, the name or names of the person or persons that have examined and approved of such expenditure on the part of the Executive Government of this Province, before the commencement of any work and after the completion of the several contracts; a statement of the lands purchased by the Canada Company from Her Majesty's Government during the 12 years ending on the 1st day of January 1838, according to the spirit, intention, and meaning of the 30th article of the agreement between Her said Majesty's Government and the said Canada Company; as also a statement of the names of all settlers placed upon any of the said lands during the years following the date of the said agreement, and a description of the lands upon which they were so placed; and also a statement setting forth at length any and all the returns which the said company may have made during the period first mentioned according to the intention and meaning of the thirtieth clause aforesaid.

ALLAN N. MACNAB,

Speaker.

Commons House of Assembly, }
27th day of January, 1838. }

Committee to carry up Address for information on capture of "Anne," report answer.

Mr. Sherwood, from the Committee to wait on His Excellency the Lieutenant Governor, with the Address of this House, requesting information respecting the Schooner "Anne," reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:—

GENTLEMEN:—

Answer.

I will transmit for the information of the House of Assembly, in compliance with this Address, as soon as they can be prepared, copies of the correspondence and papers on the subject of the capture of the piratical Schooner "Anne" off the town of Amherstburg.

Select Com. on petition of J. T. Somerville and 47 others, report bill to divide the Home District.

Mr. McIntosh, from the Select Committee to which was referred the petition of James T. Somerville and forty-seven others, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Bill read first time.

The Report was received, and the Bill was read the first time.

2nd reading Monday.

Ordered—That the Bill to erect the Eastern Townships of the Home District into a separate District, be read a second time on Monday next.

Bill to amend law respecting Hilary Term, brought in.

Pursuant to notice, Mr. Murney, seconded by Mr. Cartwright, moves for leave to bring in a Bill to repeal so much of an Act passed in the 7th year of His late Majesty's Reign, entitled,

"An Act to increase the present number of Judges of His Majesty's Court of King's Bench in this Province, and to alter the Terms for the sitting of the said Court, and for other purposes therein mentioned"—as relates to the sitting of Hilary Term.

Bill read first time.

Which was granted, and the Bill was read the first time.

2nd reading Monday.

Ordered—That the Bill be read a second time on Monday next.

Windsor Rail Road Bill read second time and committed.

Pursuant to the order of the day, the Windsor Rail-road Bill was read the second time.

The House was put into a committee of the whole on the Bill.

Mr. Jarvis in the chair.

The House resumed.

Reported without amendment.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

The report was received.

3rd reading Monday.

Ordered—That the bill be engrossed and read a third time on Monday next.

Pursuant to the order of the day, the House was again put into a Committee of Supply, on the report of Select Committee on the petition of J. Gamble, Esquire, and others.

House in Com. of Supply on report on petition of J. Gamble, Esq.

Mr. McLean in the chair.

The House resumed.

The chairman reported that the Committee had made some further progress in the consideration of the report, and asked leave to sit again on Monday next.

Progress reported.

The Report was received, and leave granted accordingly.

Mr. Thomson, from the Select Committee to which was referred the petition of John Ryan, informed the House that the Committee had agreed to report by Bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Select Com. on petition of John Ryan, report Ryan's Pension Bill.

The Report was received and the Bill was read the first time.

Bill read first time.

Ordered—That Ryan's Pension Bill be read a second time on Monday next.

2nd reading Monday.

Pursuant to the order of the day, the House was put into a Committee of Supply on the petition of Duncan McDonell, Esquire.

House in Com. of Supply on Report on petition of D. McDonell, Esq.

Mr. Robinson in the chair.

The House resumed.

The Chairman reported that the Committee had risen.

Committee rises.

On the question for receiving the Report, the Yeas and Nays were taken as follows:—

On receiving report:

Y E A S.

Messieurs *Armstrong, Burwell, Cameron, Dellor, Duncombe, Lewis, McCrae, McKay, Norton, Parke, Robinson, Rykert, Shade, Thomson, Woodruff*—15.

Yeas—15.

N A Y S.

Messieurs *Chisholm of Glengarry, Cook, Dunlop, Jarvis, Kearnes, Manahan, Marks, McDonell of Stormont, Murney, Richardson, Ruttan, Shaver*—12.

Nays—12.

The question was carried in the affirmative by a majority of three, and the Report was received.

Carried, majority 3.

Pursuant to the order of the day, the Bill to provide for the erection and management of a Lunatic Asylum was read the second time.

Lunatic Asylum Bill read second time and committed.

The House was put into a Committee of the whole on the bill.

Mr. McDonell, of *Stormont*, in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The Report was received.

Ordered—That the bill be engrossed and read a third time on Monday next.

3rd reading Monday.

Pursuant to the order of the day, the bill to provide a pension for the widow of the late Col. Moodie, was read the second time.

Mrs. Moodie's Pension Bill, read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Marks in the chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

Reported amended.

The Report was received.

Ordered—That the Bill be engrossed and read a third time this day.

3rd reading to-day.

On motion of Mr. Rykert, seconded by Mr. Ferrie,

Mr Merritt added to Sel. Com. on petition of D. Thompson and others.

Ordered—That the name of Merritt be added to the Committee to whom was referred the petition of David Thomson, Esquire, and others, praying that the County of Haldimand may be erected into a separate District.

Huron Fishery Bill read second time, and committed.

Pursuant to the order of the day, the Huron Fishery Bill was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Woodruff in the chair.

The House resumed.

Committee rises.

The chairman reported that the Committee had risen.

On receiving report:

On the question for receiving the Report, the Yeas and Nays were taken as follows :

Y E A S.

Yeas—20.

Messieurs *Aikman, Armstrong, Cameron, Chisholm* of Glengarry, *Cook, Detlor, Duncombe, Lewis, Malloch, McIntosh, Norton, Robinson, Rykert, Shade, Shaver, Sherwood, Solicitor-General, Thomson, Thorburn, Woodruff*—20.

N A Y S.

Nays—13.

Messieurs *Burwell, Chisholm* of Halton, *Dunlop, Elliott, Gowan, Kearnes, Manahan, Marks, McCrae, McLean, Murney, Parke, Ruttan*—13.

Carried, majority 7.

The question was carried in the affirmative by a majority of seven, and the report was received.

House in Committee on Report on Petition of H. Smith, Esq.

Pursuant to the order of the day, the House was put into a Committee of Supply on the Report of Select Committee on the petition of Henry Smith, Esquire.

Mr. Shaver in the Chair.

The House resumed.

Resolutions reported.

The Chairman reported that the Committee had agreed to two resolutions, which he was directed to submit for the adoption of the House.

The Report was received.

The resolutions were adopted, as follows:—

1st Resolution.

Resolved—That there be granted to Her Majesty the sum of £208 15s. 7d. to enable Her Majesty to pay the like sum to Henry Smith, for services performed and disbursements made by him as Warden of the Provincial Penitentiary, before he could by law receive his salary.

2nd Resolution.

Resolved—That there be granted to Her Majesty the sum of £100 to enable Her Majesty to pay the like sum to Henry Smith, Esquire, as his salary as Warden of the Provincial Penitentiary annually in addition to his present salary.

On motion of Mr. Thomson, seconded by Mr. Rykert,

Committee to draft Bill on the resolutions.

Ordered—That Messrs. Sherwood and Detlor be a Committee to draft and report a bill agreeable to the foregoing resolutions.

Messages from Legislative Council.

The Master in Chancery brought down from the Honourable the Legislative Council, a Message, and having delivered the same at the Clerk's table, retired.

The Message was read by the Speaker, as follows:—

MR. SPEAKER :

Traitors' attainder Bill passed Legislat. Council.

The Legislative Council has passed the Bill sent up from the Commons House of Assembly, entitled "*An Act to provide for the more speedy attainder of persons indicted for High Treason, who have fled from this Province or remain concealed therein to escape from Justice*"—without any amendment.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber,
27th day of January, 1838. }

Pursuant to the order of the day, the Bill to extend the limits of Darlington Harbour was read the second time.

Darlington Harbour extension Bill, read 2nd time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Morris in the chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again on Monday next.

Progress reported.

The Report was received, and leave granted accordingly.

Pursuant to the order of the day, the Bill to Macadamize the Niagara and Ten-mile Creek Road, was read the second time.

Niagara & 10-mile-Creek Road Bill read second time and committed.

The House was put into a Committee of the whole on the bill.

Mr. Gowan in the Chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again on Monday next.

Progress reported.

The Report was received, and leave granted accordingly.

Adjourned.

Monday, 29th January, 1838.

The House met.

The minutes of Saturday were read.

Mr. Sherwood brought up the petition of John S. Cartwright, Esquire, Chairman Quarter Sessions, Midland District, and four others; which was laid on the table.

Petition of J. S. Cartwright, Esq, brought up.

Pursuant to the order of the day, the Bill granting a Pension to the widow of the late Colonel Moodie, was read the third time and passed.

Mrs Moodie's Pension Bill, read 3rd time and passed.

Mr. Jarvis, seconded by Mr. Kearnes, moves, that the Bill be entitled, "*An Act to grant a Pension to the Widow and Children of the late Colonel Moodie.*"

Title.

Which was carried, and Messrs. Jarvis and Kearnes were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Windsor Rail-road Bill was read the third time and passed.

Windsor Rail-road Bill read 3rd time and passed.

Mr. McIntosh, seconded by Mr. Cartwright, moves, that the Bill be entitled,

"*An Act to incorporate certain persons under the style and title of the Windsor Road Company.*"

Title.

Which was carried, and Messrs. McIntosh and Cartwright were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

On the order of the day for the third reading of the Bill to provide for the erection and maintenance of a Lunatic Asylum, being called,

On 3rd reading Lunatic Asylum Bill being called,

In amendment, Mr. Sherwood, seconded by Mr. Aikman, moves, that it be not read a third time this day, but that it be re-committed to a committee of the whole House on to-morrow.

Amendment moved to refer Bill to Select Com.

On which the Yeas and Nays were taken as follows:—

Division:

Y E A S.

Messieurs Aikman, Cartwright, Chisholm of Glengarry, Cook, Dellar, Kearnes, Malloch, McCrae, McIntosh, Merritt, Rykert, Shade, Shaver, Sherwood—14.

Yeas—14.

N A Y S.

Nays—13.

Messieurs *Burwell, Cameron, Duncombe, Jarvis, Manahan, Marks, McDonell* of Stormont, *McLean, Norton, Parke, Ruttan, Solicitor-General, Thorburn*—13.

Carried, majority 1.

The question was carried in the affirmative by a majority of one, and ordered accordingly.

Petitions read :

Pursuant to the order of the day, the following petitions were read:—

Dr Phillips and 66 others.

Of Thomas Phillips D. D. and sixty-six others, of the townships of Toronto and Etobicoke (York), praying for a further grant of money to be expended in continuing the macadamization of the lake road.

R. Parker and 30 others.

Of Robert Parker and thirty others, praying the House to establish the old survey of the Township of King, or to order a new one.

John Linfoot.

Of John Linfoot, late of the County of York, stating that he rented Montgomery's Tavern at the time that it, together with the furniture, &c., was burned by the loyal militia, and praying remuneration for his loss.

Col. Bullock.

Of Colonel Richard Bullock, Adjutant General of Militia in Upper Canada, praying that the same provision may be made for his office as is made for the like office in Lower Canada and other British Colonies.

W. N. Bottum and 62 others.

Of W. N. Bottum, J. P. and sixty-two others, of the County of Grenville, praying for a grant of £15,000 to macadamize the road from Prescott to Kemptville.

Terence Smyth and 11 others.

Of Terence Smyth and eleven others, of the County of Grenville, praying for a grant of £30,000 to macadamize the road from Prescott to Merrickville and Kemptville.

Roderick Ross and 39 others.

And of Roderick Ross and thirty-nine others, of the District of Prince Edward, praying for a grant of £100 to open a road from Picton to the River Trent.

Petitions referred :

On motion of Mr. Solicitor-General, seconded by Mr. Malloch,

Of John Linfoot.

Ordered—That the petition of John Linfoot be referred to the same Committee to whom was referred that part of His Excellency's Speech at the opening of the present Session, relating to losses sustained during the late insurrection, with power to send for persons and papers, and to report thereon.

Of Colonel Bullock.

On motion of Mr. Solicitor-General, seconded by Mr. Malloch,

Ordered—That the petition of Colonel Richard Bullock be referred to a Select Committee, to consist of Messrs. Attorney General, Burwell, Thomson, Lewis, and Shade, with power to send for persons and papers, and to report thereon.

Of Nancy Strobridge.

On motion of Mr. Sherwood, seconded by Mr. Aikman.

Ordered—That the petition of Nancy Strobridge be referred to a Committee of Supply, on to-morrow.

Message from His Excellency on Murray Canal, referred.

On motion of Mr. Ruttan, seconded by Mr. Shade,

Ordered—That so much of His Excellency the Lieutenant Governor's Message of the 24th instant, as relates to the Canal across the Isthmus of Prince Edward, be referred to a Select Committee to report thereon, and that the said Committee be composed of Messrs. Boulton, McDonell of *Northumberland*, Manahan, and Murney.

Of Committee of whole on invasion by American Citizens, and on capture of the "Caroline."

Mr. Sherwood gives notice that he will, on to-morrow, move that this House do resolve itself into a Committee of the whole upon the subject of the late Invasion, by American Citizens, of a portion of this Province, as well as of the capture and destruction of the Steam-Boat "Caroline," and other matters connected therewith.

Select Com. on petition of D. Nicklin and others, report bill to tax wild lands in District of Gore.

Mr. Shade, from the Select Committee to which was referred the petition of Daniel Nicklin, and others, informed the House that the Com-

mittee had agreed to report by Bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

The Report was received, and the Bill was read the first time.

Bill read first time.

Ordered—That the Bill to levy a Tax on certain Wild Lands in the District of Gore be read a second time to-morrow.

2nd reading to-morrow.

Mr. Aikman, from the Select Committee to which was referred the petition of Allan N. MacNab, Esquire, informed the House that the Committee had agreed to report by Bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Select Com. on petition of Allan N. MacNab, Esq. report bill to convey a certain road allowance to Mr MacNab.

The Report was received, and the Bill was read the first time.

Bill read first time.

Ordered—That the Bill to convey a certain road allowance to Mr. MacNab, be read a second time to-morrow.

2nd reading to-morrow.

Mr. Sherwood, from the Select Committee to draft and report a Bill, pursuant to the Resolutions granting an increase of Salary, &c., to Henry Smith, Esquire, Warden of the Penitentiary, reported a draft, which was received, and read the first time.

Committee report bill on resolutions for increasing salary of Mr Smith, Penitentiary Warden.

Ordered—That the Bill to increase the Salary of Henry Smith, Esquire, Warden of the Penitentiary, be read a second time to-morrow.

2nd reading to-morrow.

Mr. Shade, from the Select Committee to which was referred the petition of H. W. Peterson & Co., presented a report, which was received and read, as follows:—

Select Com. on petition of H. W. Peterson & Co. present report.

To the Honourable the COMMONS HOUSE OF ASSEMBLY.

The Select Committee, to whom was referred the petition of H. W. Peterson & Co., Editors and Proprietors of the Newspaper called the "*Canada Museum*," the only paper within the Province printed in the German Language, beg leave to report the following Resolution:—

Report.

Resolved, That the Committee on Printing be directed to instruct the Clerk of this House to furnish the said H. W. Peterson & Co., Editors and Proprietors of the said Paper, with a Copy of His Excellency's Speech at the opening of the present Session of Parliament, and the Reply of the House of Assembly thereto,—together with Instructions to print 500 copies of the same in the German Language, to be circulated for the information of Her Majesty's Subjects in this Province.

All of which is most respectfully submitted.

ABSALOM SHADE,

Chairman.

*Committee Room, House of Assembly, }
29th January, 1838.*

Mr. Marks, from the Select Committee to which was referred the petition of Dr. Dormer, presented a Report, which was received and read.

Select Com. on petition of Dr Dormer, present report.

(REPORT—See *Appendix*.)

On motion of Mr. Marks, seconded by Mr. Manahan,

Ordered—That the Report of the Select Committee, on the petition of Dr. Dormer, be referred to a Committee of Supply, on to-morrow.

Report referred to Com. of Supply to-morrow.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to regulate Common Schools.

Bill to regulate Common Schools again committed.

Mr. Cameron in the chair.

The House resumed.

The chairman reported that the Committee had made some further progress in the Bill, and asked leave to sit again to-morrow.

Progress reported.

The Report was received, and leave granted accordingly.

Mr. Cartwright, from the Committee to wait on His Excellency the Lieutenant Governor with the Address of this House, praying for copies of certain documents respecting the Canada Company, which had been lost or mislaid, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:—

Committee to carry up Address for Canada Company's Returns, report answer.

GENTLEMEN,—

Answer.

I shall give directions for the preparation of another Copy of the Documents which accompanied my Message to the House of Assembly, in the month of February last, on the subject of the agreement between the Imperial Government and the Canada Company, to supply the loss mentioned in this Address.

Militia Bill again committed.

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

Mr. Marks in the chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some further progress in the bill, and asked leave to sit again to-morrow.

The Report was received, and leave granted accordingly.

On motion of Mr. Murney, seconded by Mr. McLean,

Mr Solicitor General added to Select Committee on Pet'ion of A. Manahan.

Ordered—That the Solicitor General be added to the Select Committee on petition of Anthony Manahan.

Message from Legislative Council.

The Master in Chancery brought down from the Honourable the Legislative Council, two Messages, and the Bill entitled,

Members' Wages Bill sent down amended.

"An Act to alter the mode of paying the wages of Members of the House of Assembly"—And also the Address to Her Majesty, praying for a grant of Lands to Colonel FitzGibbon, to both of which that Honourable House had made some amendments, and requested the concurrence of this House thereto.

The Messages were read by the Speaker, as follows:—

Messages.

MR. SPEAKER,

Hon. Mr Elmsley has leave to attend Select Committee.

The Honourable John Elmsley has leave to attend a Select Committee of the Commons House of Assembly, as desired by that House, in their Message received yesterday, if he thinks fit.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Twenty-seventh day of January, 1838. }

MR. SPEAKER,

Contingencies' Covering Bill passed Legislative Council.

The Legislative Council has passed the Bill sent up from the Commons House of Assembly, entitled *"An Act to make good certain monies advanced in compliance with the Addresses of the House of Assembly, during the first and second Sessions of the present Parliament, for the contingent expenses of the Legislature of this Province"*—without any amendment.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Twenty-ninth day of January, 1838. }

The amendments made by the Honourable the Legislative Council, in and to the Bill sent up from this House, entitled,

"An Act to alter the mode of paying the wages of Members of the House of Assembly"—Were read the first time, as follows:—

Amendments.

Press 1, line 1—After "Whereas," expunge the remainder of the preamble, and insert "the present mode of remunerating members of the House of Assembly is on several accounts inexpedient."

" " " 10—After "same," expunge the rest of the first enacting clause.

" " " 18—Expunge "2. *And be it further enacted by the authority aforesaid.*"

" 2, " 5—Expunge the third clause to "Provided," in line 11.

" 2, —Expunge the fourth clause, and insert "2. *And be it further enacted by the authority aforesaid,* That the several sums of money to which the Members of the House of Assembly shall be respectively entitled, under this Act, shall be paid by the Treasurers of the several Districts respectively, and shall be levied by assessment in the manner directed by the laws now

in force for that purpose—and that the amount of all moneys which shall be levied by assessments for the payment of wages to Members of the House of Assembly, shall be applied by the Treasurer of each District to that purpose only, and shall not be advanced or expended for any other object whatsoever.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Twenty-ninth day of January, 1838. }

Mr. Secretary Joseph brought down from His Excellency the Lieutenant Governor, several Messages and Documents.

Messages from the Lieutenant Governor.

The Messages were read by the Speaker, as follows:—

F. B. HEAD.

The Lieutenant Governor transmits for the information of the House of Assembly, the accompanying copy of a Despatch which he has received from the Secretary of State for the Colonies, relating to the appropriation, by the Provincial Parliament, of the Revenue arising from the sale of land and timber within this Province.

Message with Despatch, respecting appropriation of Revenue from sale of Land and Timber.

No. 142.
7th Feb. 1837. }

Government House, }
27th January, 1838. }

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly a copy of a Despatch from the Right Honourable the Secretary of State for the Colonies, bearing date the 28th April, 1837, directing an advance to the Trustees of the Upper Canada Academy of £4,100 from the Crown Revenue, being the "amount of the loan intended to have been granted" by a certain Bill passed by the House of Assembly in the first Session of the present Provincial Parliament.

Message with Despatch, respecting aid to Upper Canada Academy.

The House will observe that the object of this advance is stated in the Despatch to be, to carry out the spirit of the measure which has already met the concurrence of the Legislative Council and Assembly.

The payment of Twenty Thousand Pounds towards the War Losses out of the Crown Revenues put it out of the power of the Lieutenant Governor to make the required advance immediately, as there was not a sufficient sum of that fund remaining in the hands of Her Majesty's Receiver General and unappropriated.

The last Session of the Provincial Parliament being called for a special purpose, the Lieutenant Governor did not think it necessary to call the attention of the House of Assembly to this subject.

The Lieutenant Governor, with the desire of carrying into effect the instructions of His Lordship, took the earliest opportunity of directing the advance to be made so far as the state of the Crown Fund would allow, and accordingly, on the 11th November, 1837, issued his warrant on the Receiver General for the sum of Two Thousand and Fifty Pounds, being the one half of the whole sum intended to be advanced.

As the order of His Lordship is founded on the anticipated sense of the two Houses of the Legislature, the Lieutenant Governor now deems it advisable, (notwithstanding his desire to relieve the members from their attendance) to call the attention of the House of Assembly to this matter.

This becomes the more necessary from a letter of the Reverend Egerton Ryerson, herewith transmitted, in which the House will perceive that in the behalf of the Trustees, Mr. Ryerson insists on the payment of the remaining sum; construing His Lordship's directions as ordering a grant, and not a loan, as the Lieutenant Governor understands it.

That the House of Assembly may fully understand the intentions of Her Majesty's Government, the Lieutenant Governor herewith transmits copies of the correspondence in his possession between the claimants and the Colonial Office, and also of a Despatch on the same subject, transmitted by the Lieutenant Governor to the Right Honourable the Secretary of State for the Colonies, with his Lordship's reply.

Government House, }
27th Jan'y, 1838. }

F. B. HEAD.

The Lieutenant Governor transmits, for the information of the House of Assembly, a Copy of a Despatch and its enclosures, which he has received from Her Majesty's Secretary of State for the Colonies, having reference to the making good to this Province the sum advanced from the Provincial Chest, in compliance with the Address of the House of Assembly, to satisfy in full the claims of War Losses.

Message with Despatch, on War Losses.

No. 191.
17th June, 1837. }

Government House, }
29th Jan'y, 1838. }

F. B. HEAD.

Message with Despatch
on Reserved Bills, and the
Acts of Session 1836-7.

The Lieutenant-Governor transmits, for the information of the House of Assembly, in compliance with the Address of the House of the 8th instant, a copy of a Despatch, which he

No. 217, }
5th August, 1817. } has received from the Secretary of State for the Colonies, relative to the bills which passed the two Branches of the Legislature during the first session of the present Parliament, and were reserved for the Royal Assent.

Government House, }
24th January, 1838. }

F. B. HEAD.

Message with Despatch
on reserved Bank Bills.

The Lieutenant-Governor transmits, for the information of the House of Assembly, a copy of a Despatch which he has, within the last few days, received from Her Majesty's Secretary of State for the Colonies, on the subject of the Bills reserved for the signification of the Royal pleasure, which passed the two Houses of the Legislature in the first Session of the present Provincial Parliament; from which Despatch the House of Assembly will perceive, that, under present circumstances and the peculiar character of many of them, Her Majesty is pleased to invite the two Houses to reconsider the whole of these Bills, and in an especial manner the Bill which would make the Provincial Government a shareholder to a very large extent in the Upper Canada Bank.

Government House, }
29th January, 1838. }

F. B. HEAD.

Message with Despatch
on disallowing the
Franking Act.

The Lieutenant-Governor transmits, for the information of the House of Assembly, a copy of a Despatch which he has recently received from Her Majesty's Secretary of State for the Colonies, and of an order of Her Majesty in Council of the 18th November last, disallowing the Act passed during the first Session of the present Provincial Parliament, for granting the privilege of Franking to the Members of the Legislature, and accompanied by an extract from a Report of the Lords of the Committee of Privy Council for Trade, stating their Lordships' reasons for advising Her Majesty to disallow the said Act.

Government House, }
29th January, 1838. }

F. B. HEAD.

Message with correspon-
dence relative to the
Indians.

The Lieutenant Governor, with reference to the surrender by the Crown of the control of the Territorial Revenue to the Provincial Legislature, deems it right to communicate to the House of Assembly the accompanying copies and extracts of a correspondence between the Local and Imperial Governments, on the subject of the Indians in this Province, and the liberal protection and care which they are entitled to claim from the Legislature, as the original possessors of the soil; and which, he doubts not, the House of Assembly will cheerfully recognize.

Government House, }
29th January, 1838. }

F. B. HEAD.

Message with Report of
Trustees of Toronto
Hospital.

The Lieutenant-Governor in laying before the House of Assembly the annual Report of the Trustees of the Provincial General Hospital in this City, for the past year, earnestly recommends to the continued protection and liberal consideration of the House, that most useful Institution.

Government House, }
27th January, 1838. }

F. B. HEAD.

Message with Casual and
Territorial Revenue
Accounts.

The Lieutenant Governor transmits to the House of Assembly, in compliance with the Address of the House of the 18th instant, the accompanying statement of the receipts and expenditures of the Casual and Territorial Revenue for the years 1836 and 1837.

Government House, }
27th January, 1838. }

The Documents were read by the Clerk as follows:—

[Copy.]

No. 142.

DOWNING STREET,
7th February, 1837.

SIR,

Despatch from Secretary
of State respecting appro-
priation by the Legisla-
ture of Revenue arising
from sales of Land and
Timber.

With reference to the concluding paragraph of my Despatch of the 5th December, 1835, and to my Despatch of the 30th September, 1836, I have the honour to inform you, that on a reference to the Law Officers of the Crown in this country, they have given it as their opinion,

that any bill, passed by the Legislature of Upper Canada, by which the appropriation of the Revenue arising from the sale of land and timber, should, in exchange for a Civil List, be transferred from His Majesty to the House of Assembly, would come within the purview of the 42nd Section of the Act 31 George 3, chap. 31. In the event, therefore, of any such bill being introduced into the Legislature of Upper Canada, you will take the necessary steps for ensuring the observance of the forms required by that Section in the presentation of the bill to you, and you will immediately transmit it to me, in order that it may be laid before the two Houses of Parliament.

I have the honor to be,

Sir,

Your most obedient humble Servant,

(Signed) GLENELG.

Sir F. B. HEAD, Bart.,
&c. &c. &c.

A true copy.

J. JOSEPH.

[Copy.]

No. 173.

DOWNING STREET,
26th April, 1837.

Sir,

I have the honor to transmit to you, herewith, the copy of a letter addressed to me by Mr. Ryerson, (18th April, 1837,) relative to a bill for granting a loan to the Upper Canada Academy, which passed the House of Assembly during the last session, but which was subsequently lost in consequence of a proviso added by the Legislative Council, prohibiting the Receiver General from advancing the sum therein granted, unless he should have in his hands money for which he had no other use.

Despatch relating to U. C. Academy at Cobourg.

I trust that there is no ground to anticipate the serious inconvenience which Mr. Ryerson apprehends from the loss of this bill, nor can I allow myself to assume, as he has done, that the object of the amendment introduced by the Council was indirectly to defeat the liberal intentions of the Assembly towards the Upper Canada Academy.

But in order to obviate all risk of embarrassment to that institution, I have to desire that unless some objection which I do not anticipate should suggest itself to you, you will advance the amount of the loan intended to have been granted by the bill in question to the Trustees of the Upper Canada Academy, out of any unappropriated portion of the Casual and Territorial Revenue of the Province, and on the first meeting of the Legislature you will report the circumstance to them. I have no doubt that the Council and Assembly of Upper Canada will at once recognize the propriety of this proceeding, the object of which is to carry out the spirit of the measure which has already met their concurrence.

I have, &c.,

(Signed) GLENELG.

Lieutenant Governor
Sir FRANCIS B. HEAD, K. C. H.

A true Copy.

J. JOSEPH.

[Copy.]

20, GUILFORD STREET, RUSSEL SQUARE,
April 18th, 1837.

MY LORD,

I humbly implore your Lordship's early and gracious attention to the following statement, occasioned by recent intelligence from Upper Canada and the entreaties of benevolent and suffering individuals.

Copy of Letter from Mr Egerton Ryerson to Lord Glenelg, in behalf of the U. C. Academy

Having just returned to town from the North, in order to prepare to embark by the Liverpool and New York packet of the 1st inst., I have received advices respecting the proceedings of the Upper Canadian Legislature, relative to the "*Upper Canada Academy*." It appears that in accordance with Your Lordship's gracious recommendation, on application of the Principal and Trustees of the Institution—the House of Assembly appointed a Select Committee to investigate the subject. The Committee reported in favour of aiding the Institution; and the House of Assembly, by a majority of 31 to 10, passed a Bill authorising a loan of of £4,100 to the Trustees of the Institution for 10 years.

The Legislative Council however, at the eleventh hour of the Session, sent the Bill back to the Assembly so amended as completely to defeat the object of it, by providing that the Receiver General should not advance any of the money granted by the Act, unless he had money in his hands for which he had no other use.

Thus, my Lord, the matter stands; and your Lordship's recommendation, and the recommendation of *three fourths* of the Representatives of the people, and an object of so much expense and labour and importance are set aside and defeated by a majority of the Council, con-

Mr Ryerson to Lord
Glenelg.

sisting of 10 or 12 persons present, and a majority of whom, whenever the questions of Religion and Education have come before them, have really shown a disposition to leave the inhabitants in total ignorance, rather than that they should be instructed by any other than a high church agency. As a specimen of the bigotted exclusiveness of this party in the Council, I may observe that the leader of it has written strongly against Clergymen or members of the Church of England having any connexion with the British and Foreign Bible Society. I had hoped that the successive liberal and parental Despatches of His Majesty's Government on educational and religious questions, and past experience, would have prevented a repetition of such ultraism on the part of the ruling party in the Legislative Council. I did not even anticipate any opposition whatever from that quarter. But I confess myself most egregiously and painfully disappointed.

I herewith enclose two Canadian Newspapers, to which I beg to draw your Lordship's attention. The one dated 22nd February contains the Report of the Select Committee of the Assembly on the subject of the Upper Canada Academy. The other, dated the 1st of March, contains a report of the debate in the House of Assembly on the passing of the bill in aid of the said Academy. Mr. DRAPER, the Chairman of the Committee, is member for the City of Toronto, a strict churchman and Executive Councillor. Mr. RUTTAN, who brought the bill into the House, is also a churchman, and is, and has been for many years, Sheriff of the Newcastle District. So likewise are the SOLICITOR GENERAL, Mr. PRINCE, and Mr. GOWAN, members of the Church of England. Mr. CAMERON is a member of the Church of Scotland—and Mr. MANAHAN is a Roman Catholic. To the testimony of these gentlemen, to the vote of the House of Assembly, and to the strong language of the Report of the Select Committee, I beg to refer your Lordship in corroboration and confirmation of all that I have stated to your Lordship on this subject; and in support of our humble applications for relief and assistance.

The whole case, which I presume once more to submit to your Lordship's favourable consideration, stands at the present moment as follows:—

1st. The demands against the Trustees of the Upper Canada Academy are such as must cause the discontinuance of these its operations, if not the sacrifice of the whole establishment itself, at the close of the term ending in June next, unless assistance can be obtained. This is positively and affectingly stated in my Letters from the individuals concerned. They say there is no other alternative before them.

2nd. The Upper Canada House of Assembly have, by a very large majority of 31 to 10, expressed a cordial desire to aid the Institution out of the public funds of the Province; and the evidence taken before the Select Committee of the House, and put into the hands of each member before the Bill was passed, together with the Report itself, and the testimony of the various Speakers in the Assembly, amply justify your Lordship's former estimate of the value and utility of the Institution;—and to those unbiassed and unquestionable authorities I refer for all that I can desire to urge in its behalf.

3rd. As the question of the Casual and Territorial Revenue has not been disposed of, or even taken into consideration during the recent Session of the Upper Canadian Legislature, that revenue remains of course at the disposal of your Lordship—and to apply a portion of it in aid of the Upper Canada Academy cannot possibly give the slightest offence to the Representatives of the Canadian people, since they have done all in their power to afford it relief and assistance out of funds which have been placed at their disposal.

4th. The Buildings of the Upper Canada College have been erected from funds at the disposal of the Crown, at an expense of £17,000. It is supported from the same sources at an expense of nearly £2,000, and is also endowed with 250,000 acres of land. The Students, including boarders and day-scholars, number 110, (for which please see the Letter of the Rev. Dr. Harris, the highly-esteemed Principal of the College, in the accompanying paper of the 22nd of February—also the high recommendation of that excellent establishment by the Editor of the Guardian.) The Upper Canada Academy has been thus far promoted by the voluntary contributions of individuals; the course of study for the Students, as appears from the Report of the Select Committee of the Assembly, is as extensive as that of the Upper Canada College, with the addition of *Lectures*. The Upper Canada Academy is in no respect a *rival*, but a coadjutor of the Upper Canada College—educating quite a different class of Students, and contains already, even in the infancy of its operations, 80 Boarders and 40 Day-scholars—making a total of 120. The one Institution is under the superintendence of Clergymen of the Church of England—the other Institution under the Wesleyan Ministers. The one Institution is equally appreciated with the other by the Upper Canadian House of Assembly, though not by a majority in the Council. Surely the one ought not to be left to languish whilst the other is so abundantly provided for.

5th. The Annual Conference of the Wesleyan Body in Canada meets the second Wednesday in June. From recent intelligence, and on several accounts, I find it necessary to be present at the Assembly. I must therefore leave for Liverpool by the 28th instant.

If your Lordship will reach out the hand of relief in this crisis and extremity of what I think I may fairly term Christian and patriotic exertion, the announcement in Canada will be hailed by tens of thousands, with feelings of inexpressible gratitude and animated encouragement,—whilst the aid afforded will secure the final accomplishment (to use the language of the Select Committee of the Assembly) of “the greatest undertaking hitherto successfully prosecuted in Upper Canada upon the plan of voluntary contributions alone.”

I have the honour to be, My Lord,

Your obedient humble Servant,

(Signed)

EGERTON RYERSON.

The Right Hon. The LORD GLENELG, &c. &c. &c.

DOWNING STREET,
25th April, 1837.

SIR,

I am directed by Lord Glenelg to acknowledge the receipt of your letter of the 18th instant, and in reply, I am to inform you that, in order to prevent the embarrassment to the Upper Canada Academy, which you apprehend from the proviso introduced by the Legislative Council into the bill granting a loan to that Institution, instructions will immediately be sent to Sir Francis B. Head, directing him to advance to the Trustees of the Upper Canada Academy, from the Casual and Territorial Revenue of the Province, the sum intended to have been granted by the bill in question.

Copy of Letter from
Sir Geo. Grey to Mr
Ryerson, in answer.

I have the honour to be,
Sir,

Your most obedient Servant,

(Signed)

GEORGE GREY.

The REV. E. RYERSON,
&c. &c. &c.

20, GULFORD STREET, RUSSEL SQUARE,
April 28th, 1837.

SIR,

I have the honour to acknowledge the receipt of your letter of the 26th instant, conveying Lord Glenelg's gracious answer to my renewed application in behalf of the Upper Canada Academy.

Copy of Letter from
Mr Ryerson to Sir G.
Grey.

In behalf of the Trustees of that Institution, of the Wesleyan Conference, and of a large portion of the Inhabitants of Upper Canada, of different classes, and in behalf of myself individually, I thank His Lordship with all my heart, for this timely and liberal extension of Royal patronage and support to the Upper Canada Academy.

I leave this evening for Upper Canada, and doubt not but that the present decision of His Lordship will contribute not a little to strengthen the conviction cherished by the enterprising Inhabitants of that noble Province, in regard to the deep interest taken by His Majesty's Government in their social welfare and happiness.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

EGERTON RYERSON.

To Sir GEORGE GREY, Bart.,
M. P. &c. &c. &c.

[Copy.]

No. 87.

TORONTO, UPPER CANADA,
20th July, 1837.

MY LORD,

I have the honour to acknowledge the receipt of Your Lordship's Despatch (No. 73, dated 28th April, 1837,) in which is transmitted to me a copy of a letter addressed to Your Lordship by Mr. Egerton Ryerson, complaining of the conduct of the Legislative Council in having, "at the eleventh hour of the Session, sent a bill authorising a loan of £4,100 to the Trustees of the Upper Canada Academy, back to the Assembly so amended as completely to defeat the object of it, by providing that the Receiver General should not advance any of the money granted by the Act, unless he had money in his hands for which he had no other use."

Copy of Despatch from
His Excellency the Lieut.
Governor to Lord Glenelg.

Having, as Your Lordship is aware, advanced from the Casual and Territorial Revenue fund the balance necessary for the payment of the War Losses, I had no means of immediately paying to Mr. Ryerson the sum of £4,100. Nevertheless being desirous that Your Lordship's wishes should be carried into effect, I have given to Mr. Ryerson such a statement of my intention to advance the money in question so soon as it can be procured, as will, I am happy to understand from him, enable him easily to obtain the amount from one of the Provincial Banks.

Having, I trust, thus fulfilled the spirit (although it has not been in my power to obey the letter) of Your Lordship's Instructions, I feel it due to the Legislative Council to explain to Your Lordship that Mr. Ryerson's declarations against that branch of the Legislature are unmerited and incorrect. The impression which Mr. Ryerson's letter to Your Lordship seems designed to produce is, that the Assembly being eager to encourage the Upper Canada Academy, had readily passed a Bill to that effect through their House, and had in good time sent it up the Legislative Council; that an amendment was there made to the Bill which was calculated and contrived to defeat it; that the Bill and amendment were purposely kept back "till the eleventh hour," and then sent down to the Assembly when it was too late to remove any difficulty.

The facts are as follows: the Session commenced on the 8th of November and ended on the 4th of March. On the 24th of February the Bill for granting aid to the Academy came up to the Legislative Council from the Assembly, that is, within the last 8 or 9 days of a Session of 116 days, and when the Legislative Council had probably 40 or 50 other Bills before them. It was

Mr Ryerson to Lord
Glenelg.

read a second time on the 25th of February—was discussed in Committee on the 27th (the 26th being Sunday) and was amended and returned to the Assembly on the 28th;—on the same day that this Bill was sent up, many other Bills were sent up from the Assembly, and after the 28th of February, when it was returned amended by the Council, I understand that the Assembly sent no less than 26 Bills, which, with very few exceptions, were passed through the Council and became laws.

From the foregoing statement it is clear—1st. That the Legislative Council *could not* have returned the Bill in question *early*, because it came to them *late*;—2nd. That the Bill, when it did come, was passed through all its stages, *without delay*.

Now, with respect to the merits of the amendment, on adverting to the Acts passed in the last Session, your Lordship will perceive that about a million and a half of money was granted by the Legislature; and, the Province being already in debt, the Acts, generally speaking, provided for raising by loan the moneys required to meet these new grants.

The Bill to which Mr. Ryerson refers simply granted £4,000 out of the *unappropriated monies* in the hands of the Receiver General, and made no provision for borrowing the £4,000 on debenture.

The Legislative Council knew that after the grants which the Assembly had made, there would not be £4,000 in the Receiver General's hands unappropriated, and consequently, that if the Bill passed into a Law, either it would be a delusion, or the Receiver-General would be embarrassed by the conflicting demands of persons claiming money granted by several Acts passed on the same day.

Under these circumstances the Council added the following proviso to the Bill:—

“Provided always, nevertheless, that the monies granted by this Act shall not be paid by the Receiver General unless there shall remain in his hands unappropriated monies after the payment of the charges imposed upon the Provincial Revenue, under any Act or Acts heretofore passed, and also of any monies granted during the present Session for the support of the civil government, or to defray any charges attending the public Revenue.”

This precautionary limitation that in case there should not be unappropriated money for all the claimants, the charges for the Public Service, voted during the same Session, should be first defrayed, is what Mr. Ryerson, in his Letter to your Lordship, terms a proviso that the Receiver General should not advance any money granted by the Act unless he had money in his hands for which he had no other use.

I understand that the Archdeacon of York (alluded to so severely by Mr. Ryerson as having been hostile to the Bill) was not even present when the amendment was framed, discussed, and passed. I am informed that he took no part in the Bill, except voting for it, as he did for an Act of Incorporation of a Roman Catholic College, passed in the same Session; that the amendment was framed by the Speaker of the Council, who is a private contributor to the building of the Academy, and who, I understand, strongly advocated in the Council, the expediency of giving to the Institution the public support that had been prayed for.

I feel confident your Lordship will read with interest and with satisfaction this vindication of a branch of a Legislature which, I respectfully assure your Lordship, requires the firmest possible support in order to encourage it to continue uncompromising hostility and opposition to the House of Assembly whenever it may constitutionally be necessary to do so.

I have, &c.,

(Signed)

F. B. HEAD.

To the Right Hon. the LORD GLENELG.

A true Copy.

J. JOSEPH.

[Copy.]

No. 221.

DOWNING STREET,
23rd August 1837.

SIR,

I have received your Despatch, No. 87, of the 17th July, reporting the steps which you have taken for advancing the sum of £4,100 to the Upper Canada Academy, and replying to the representations of Mr. Ryerson, relative to the conduct and disposition of the Legislative Council towards that Establishment.

I entirely approve of your proceedings on this occasion. You have accurately anticipated the feelings with which I have read the defence of the conduct of the Legislative Council which your Despatch contains. I cannot suppose it possible that Mr. Ryerson's misstatement of the fact could have been intentional; but, as he was not in the Province when the discussion in question occurred, I have no doubt that he was misled by erroneous information. It is at all times my anxious endeavour to exercise the utmost vigilance against the admission of any statement injurious to any of the authorities of the Province, without subjecting it to the most rigid scrutiny; and I feel that such a suspension of my judgment can never be more imperatively required than when charges are made tending, in any degree, to detract from the respect and confidence so justly due to that branch of the Canadian Legislature.

I have the honour to be, Sir,

Your most obedient humble Servant,

(Signed)

GLENELG.

Lieut. Governor Sir FRANCIS B. HEAD, Bart.,

&c. &c. &c.

A true Copy.

J. JOSEPH.

Despatch from Secretary
of State in answer to the
above.

CITY OF TORONTO,
30th June, 1837.

SIR,
Having been informed by His Excellency the Lieutenant Governor that on account of recent extraordinary appropriations out of the Casual and Territorial Revenue, there are at present no available funds from that source to enable His Excellency to give effect to the Instructions of His Majesty's Principal Secretary of State for the Colonial Department relative to the Royal grant of £4,100 for relief and assistance to the Trustees of the Upper Canada Academy, I have conferred with the Bank Directors as to the probability of obtaining accommodation from the Bank, by payment of interest, upon the assurance of His Excellency's willingness to promote the wishes of His Majesty's Government as soon as practicable, without doing injustice to the permanent charges on the said Revenue: I have been given to understand by the Bank Directors, that they are quite willing to accede to our wishes upon that ground.

Copy of Letter from Mr. Ryerson to Mr. Secretary Joseph.

I beg therefore most respectfully to solicit from His Excellency the favour to be informed of His Excellency's intentions on the subject of the Royal Grant in question.

I have the honour to be,
Sir,
Your most obedient humble servant,
(Signed) EGERTON RYERSON.

To J. JOSEPH, Esquire,
&c. &c. &c.

GOVERNMENT HOUSE,
3rd July, 1837.

SIR,
Having laid before His Excellency the Lieutenant Governor your letter of the 30th ultimo, desiring to be informed of His Excellency's intentions on the subject of the Royal Grant of £4,100 for the relief and assistance of the Upper Canada Academy, I am commanded by His Excellency to inform you, that owing to recent extraordinary appropriations out of the Casual and Territorial Revenue, there are at present no available funds from that source to enable His Excellency to give effect to the instructions he has received on the subject from His Majesty's Principal Secretary of State for the Colonies; but that it is his desire and intention to carry into effect the wishes of His Majesty's Government, as soon as it may be practicable without doing injustice to prior claims on those funds.

Copy of Letter from Mr. Secretary Joseph to Mr. Ryerson, in answer.

I have the honour to be,
Sir,
Your most obedient humble Servant,
(Signed) J. JOSEPH.

The Rev. EGERTON RYERSON,
Toronto.

[Copy.]

GOVERNMENT HOUSE,
August 16, 1837.

SIR,
The Rev. Ephraim Evans having in an interview he had with His Excellency this morning requested the Lieutenant Governor to issue his warrant for the sum appropriated to the Cobourg Academy, or for a portion of it, and His Excellency being anxious to carry into effect with as little delay as may be, the instructions conveyed to him in the recent Despatch from His Majesty's principal Secretary of State for the Colonies, with which you have already been made acquainted, I am commanded by His Excellency to enquire of you whether you are able to meet the demand for £4,100 or any part of it.

Copy of Letter from Mr. Secretary Joseph to B. Turquand, Esq., Sen. Clerk, Receiver Gene'l's Office.

I have, &c.,
(Signed) J. JOSEPH.

B. TURQUAND, Esq.

[Copy.]

RECEIVER-GENERAL'S OFFICE,
Toronto, 17th August, 1837.

SIR,
In reply to your letter of yesterday's date, requesting to be informed whether this office is able to meet the demand made for the sum (or a portion) of the £4,100 appropriated by the recent despatch from the principal Secretary of State for the Colonies for the Cobourg Academy—I have the honour to acquaint you, for the information of His Excellency the Lieutenant-Governor, that, after deducting the advances made to the Clergy Fund from those under the control of the Lords Commissioners of Her Majesty's Treasury, there appears to be, at this time, an advance on the whole of about £1,137 sterling, as shown by the accompanying statement.

Copy of Mr. Turquand's reply.

The sums paid into these funds since the 1st July are very trifling ; and, being aware of His Excellency's anxiety to aid the Cobourg Academy, this Office will not fail to report to the Lieutenant-Governor the moment it may be enabled to meet His Excellency's wishes.

I have, &c.,
In absence of the Receiver-General,
B. TURQUAND,
Sen. Clerk.

JOHN JOSEPH, Esq.
Civil Secretary.

STATEMENT OF CROWN FUNDS, 17th August, 1837.

Statement of Crown Funds, 17th August, 1837.

Balance in Fund D. on 30th June,	£64,768	St'g.
do. do. F.	477	
	<hr/>	
	£65,245	
Advance on K. 30th June,	£54,368	St'g.
do. on E.	4,303	
<i>Payments since 30th June.</i>		
From Fund D.	1,771	
" " E.	483	
" " K.	5,457	
	<hr/>	
	66,382	
Total advance on the Crown Fund, 17th August, 1837,	£1,137	St'g.
E. E.		

B. TURQUAND.

[Copy.]

TORONTO, January 21st, 1838.

Copy of Letter from Mr. Ryerson to Mr. Secretary Joseph.

SIR,

In pursuance of your kind suggestion in this morning's conversation, on the subject of the moiety of £2,050 due of the Royal Grant to the Upper Canada Academy, I waited upon the Receiver General, and was given to understand by him that there are funds in his hands upon which he knows of no claim prior to that of the Upper Canada Academy.

The Treasurer of that Institution has just come to the City in order to obtain some relief and assistance to pay debts which have been long due, and the payment of which cannot be longer delayed without serious injury to all parties concerned. The Managers of the Institution are really distressed, from not being able to meet just and pressing demands against them, on account of the unexpected and protracted delay which has, from occurrences which they could not foresee, attended the payment of the grant so graciously made by His late Majesty in April last. I therefore most humbly and earnestly pray that His Excellency would have the goodness to issue the necessary warrant for the remaining moiety of the grant, and thereby confer a lasting benefit upon the Upper Canada Academy, and a great favour upon its managers and friends.

I have, &c.,
(Signed) EGERTON RYERSON.

To J. JOSEPH, Esq.

[Copy.]

TORONTO, 23rd January,

Copy of Letter from Receiver General to Mr Secretary Joseph.

MY DEAR SIR,

Mr. Ryerson wishes to know for your information if a warrant can issue on the Territorial Fund. I beg to say that I have sufficient in my hands to meet Mr. Ryerson's claims, and all other demands that *I am aware of*.

I remain, &c.,
(Signed) JOHN H. DUNN.

JOHN JOSEPH, Esquire.

[Copy.]

TORONTO, January 25th, 1838.

Copy of Letter from Mr Ryerson to Mr Secretary Joseph.

SIR,

According to your suggestion, yesterday morning, the Rev. Mr. Green and myself called upon the Attorney General, and were alarmed and grieved to learn that the ground of objection and delay, in respect to the payment of the remaining moiety of £2050, on the grant of his late Majesty to the Upper Canada Academy, has been entirely changed, and is now such as has never before been hinted at to us, though I delivered to His Excellency the instructions of Her Majesty's Secretary of State on the subject in June last. I beg to recapitulate the facts of this painful affair for His Excellency's consideration.

In the winter of 1836, a Committee of the House of Assembly recommended a grant in aid of the Upper Canada Academy—debates took place in the House principally in reference to a grant, though the Bill which was passed by the House was only for a loan. The Legislative Council amended the Bill so that it was never taken up again by the House of Assembly, consequently there was no Bill agreed to by both Houses on the subject. On the arrival of the intelligence of these proceedings in England, I laid them before Her Majesty's Secretary of State for the Colonies. A copy of my communication on the subject was enclosed by Lord Glenelg to His Excellency. Upon the strength of my representation and the Committee's Report, and the debates of the Assembly, His Lordship instructed His Excellency to advance the sum of Four Thousand One Hundred Pounds out of the Crown Revenue to the Trustees of the Upper Canada Academy. Whether Lord Glenelg intended it as a *loan* or a free *grant* is a matter between the Trustees of that Institution and Her Majesty's Secretary of State for the Colonies. In Sir George Grey's answer to myself, which I showed to His Excellency, and in Lord Glenelg's instructions to His Excellency, with the perusal of that which relates to the payment of the grant His Excellency favoured me, it is simply stated that His Excellency is instructed to advance the amount of the grant, without the least mention from beginning to end that he is to exact security of the Trustees for the re-payment of it at the end of four years or ten years.

Copy of Letter from Mr Ryerson to Mr Secretary Joseph.

That this was the understanding of His Excellency, is clear, not only from what passed at various interviews, but from your letter addressed by His Excellency's direction to the Receiver General, dated the 16th or 17th of August last, and the Receiver General's answer of the same date, with the perusal of both of which you favoured Mr. Green and myself. From your letter it is clear, 1st. That His Excellency had received Royal Instructions to pay £4,100 to the Trustees of the Upper Canada Academy. 2. That the only obstacle to His Excellency's immediate fulfilment of the benevolent intentions of Her Majesty's Government, was the want of funds at the disposal of the Crown. 3. That as soon as the Receiver General should report funds sufficient the warrant would be forthwith issued for the payment of the amount. Accordingly when the Receiver General afterwards reported that there were funds sufficient to pay part of the amount, His Excellency issued his warrant for the payment of £2,050. During all this time not a word was said to any of the parties concerned about security for re-payment.

It will also be in His Excellency's recollection, that, after the payment of the first £2,050, when subsequently applied to for a warrant upon the Receiver General for the remaining £2,050 of the grant, His Excellency at different times informed the Rev. Mr. Stinson, the Rev. Mr. Evans, and myself, that he had given the Receiver General all the directions and authority which were necessary to pay the sum the very moment that Officer might have Crown Funds in his hands to do so; and, on the Receiver General's repeatedly declining to advance it without a warrant from His Excellency, you stated, on Monday morning of the 22nd instant, to the Rev. Mr. Green and myself, that the Receiver General must report that there were funds in his hands sufficient to pay it before the warrant could be issued. We immediately waited upon the Receiver General, and were authorised to inform you in reply, that there were funds. You then informed us that the Receiver General must report that there were no claims upon the fund prior to that of the Upper Canada Academy. We again waited upon the Receiver General, and were authorised to inform you that he was prepared to report, should His Excellency desire it, that he knew of no claims upon the fund prior to that of the Upper Canada Academy. You then directed me to commit what we had stated to writing, and you would inclose it to the Receiver General for his report. I sent you the statement in writing the same afternoon, and Mr. Green and myself called upon you again on Tuesday afternoon to inquire if the warrant could now be issued, when you showed us, in reply, the letter addressed by you to the Receiver General in August last, together with his reply, and informed us that His Excellency was waiting for the report of the Receiver General there referred to; and, at the moment of receiving that report, His Excellency would issue the warrant for the amount. We forthwith waited upon the Receiver General, when he addressed a note to you, informing His Excellency that he had funds in his hands to meet the claim of the Upper Canada Academy and all other demands that he knew of. His Excellency then informed Mr. Green, who delivered the note and who waited His Excellency's commands at your request, that he must lay the subject before His Councillors, who it seems have referred it to the Attorney General for his opinion—as to the expediency of requiring security from the Trustees of the Upper Canada Academy for the re-payment of the Grant; and as to the expediency of bringing the question under the consideration of the House of Assembly.

Now, I must most respectfully submit, and solemnly protest, against any one or more Executive Councillors interposing between Her Majesty's Government and the accomplishment of this benevolent object. The grant has been made out of funds at the disposal of the Crown, independent of the Executive Council: The instructions of Her Majesty's Secretary of State for the Colonies were not given to the Council. It is, I submit, with Her Majesty's Government, and with Her Majesty's Government alone, to demand at any time or not the repayment of a part or the whole of the grant to the Upper Canada Academy—although I am prepared to state, in any form, that I inquired particularly of Lord Glenelg and Mr. Stephen, three days before the official answer of Sir George Grey was dated, whether this gracious compliance with my application was to be a *loan* or a *grant*, and was informed in reply that it was a *grant*; that though the House of Assembly had passed a bill for a loan only, the case was so clear and strong that they thought the Trustees of the U. C. Academy really ought to have a grant. The rough draft of Lord Glenelg's official answer, by Sir George Grey, was shown to me before its final adoption, in which it was stated that His Lordship would direct the Lieut. Governor to advance, if necessary, the amount intended to have been loaned by the Assembly's bill. At my request, the words "if necessary" were struck out, and the answer was made positive. I mention these circum-

Copy of Letter from Mr. Ryerson to Mr. Secretary Joseph.

stances to show, as far as my information and testimony may have weight, what must have been the intentions of the Home Government. If I had thought a more full, satisfactory, and simple answer could have been given by Lord Glenelg, I have not the slightest doubt but I could have had it.

The entire silence of the Home Government on the subject of security for the repayment of the grant—the actual warrant of His Excellency for £2,050, without the intimation of such security—and the facts of the whole case, in support of every one of which ample evidence can be adduced, show, I submit, beyond a doubt, what were the intentions of Her Majesty's Government, and what has been His Excellency's own understanding of them from the beginning.

I do therefore protest against the interference of Executive Councillors in the matter. I do not wish, on the one hand, to see the Upper Canada Academy crippled, if not ruined, by such a proceeding,—nor, on the other hand, to be involved in collision with members of the local Executive before her Majesty's Government. I therefore entreat once more that His Excellency again take the whole case into consideration, and issue the requisite warrant for the payment of the remainder of the grant.

I have, &c.

(Signed)

EGERTON RYERSON.

JOHN JOSEPH, Esquire.

&c. &c. &c.

[COPY.]

GOVERNMENT HOUSE,
26th January 1838.

SIR,

Copy of Letter from Mr. Secretary Joseph to Mr. Ryerson, in answer.

Having laid before His Excellency the Lieutenant Governor your letter of yesterday, soliciting His Excellency to issue his warrant on the Receiver General for the advance of the remaining moiety of the sum of £4,100, in aid of the U. C. Academy, I am directed by His Excellency in reply to acquaint you, that it is his intention, in compliance with the instructions of Lord Glenelg, to lay before the Legislature copies of the communications which have taken place between the Secretary of State and himself on the subject of the U. C. Academy.

These communications will be accompanied with the information requisite for placing the Legislature in possession of the transactions which have taken place in carrying into effect Lord Glenelg's intentions in favour of that Institution.

When His Excellency, in November last, issued his warrant on the Crown Revenue, for such a portion of the £4,100 as that fund was able to meet consistently with prior claims, it was in the erroneous supposition that Lord Glenelg had directed the advance to be made as a *grant*—an error into which His Excellency had been led by your having, both in your personal interviews and your written communications, invariably spoke of the aid granted to the U. C. Academy not as a *loan* but as a *grant*, and His Excellency, having no reason to doubt your accuracy, acted on that supposition; and it was not till his attention was yesterday more particularly directed to the terms of Lord Glenelg's Despatch, that he perceived that, by misconstruing the intention of the Secretary of State, you had unconsciously misled him. It appears therefore to His Excellency, that, as the money he was directed to advance was in fact a loan from the Crown Revenue, made with a view to carry out the spirit of the measure which had met with the concurrence of the House of Assembly, it becomes his duty to lay the subject forthwith before the Legislature. His Excellency therefore directs me to inform you, that he must decline to make any further advance from the Crown Revenues until the subject shall have been under the consideration of the Provincial Parliament.

I have, &c.

(Signed)

J. JOSEPH.

Rev. E. RYERSON.

[COPY.]

No. 191.

DOWNING STREET,
17th June, 1837.

SIR,

Despatch on payment of War Losses.

I have received your Despatch, No. 20, of the 4th March last, reporting that, in compliance with a joint Address of the Legislature of Upper Canada, you had advanced from the Provincial Chest the balance of £17,910, promised to be paid by the Imperial Parliament on account of the War Losses in Upper Canada. I lost no time in calling the attention of the Lords 24th April.] Commissioners of the Treasury to the subject, in a letter, of which the enclosed is a copy; and their Lordships have recently informed me that they will cause an estimate to be submitted forthwith to the House of Commons for the grant required to make good that balance.—For the reasons stated in the letter to the Treasury, the Grant will be limited to £17,412, 0s. 10½d.

I have the honour to be,

Sir,

Your most obedient humble Servant,
(Signed) GLENELG.

Lieut. Governor Sir F. B. HEAD, Bart.,

&c. &c. &c.

A true copy.

J. JOSEPH.

[Copy.]

DOWNING STREET,
24th April, 1837.

SIR,

With reference to the correspondence mentioned in the margin, I am directed by Lord Glenelg to enclose to you, for the information of the Lords Commissioners of the Treasury, the copy of a Despatch from Sir Francis Head, on the subject of the claims of certain parties, resident in Upper Canada, to indemnification for losses sustained during the war. The Lords Commissioners of the Treasury will recollect, that by the arrangement to which they gave their sanction in January, 1834, it was agreed that whenever the Assembly of Upper Canada should raise the sum of £20,000 towards this service, an equal amount should be contributed from the Casual and Territorial Revenue of the Province; and that when this joint payment of £40,000 should have been effected, application would be made to Parliament for the sum necessary to complete the liquidation of the war claims.

Copy of Letter from Mr Stephen to Mr Spearman, accompanying Despatch on War Losses.

In the year 1835, a slight modification of this scheme took place, but that portion of it by which Her Majesty's Government were pledged to apply to Parliament for the excess of the claims beyond the above mentioned £40,000 was not disturbed.

From the Despatch which forms the enclosure to this letter, it appears that the conditions prescribed by His Majesty's Government have been actually fulfilled by the Legislature of Upper Canada, and that, anticipating the completion of the pledge heretofore given by His Majesty's Government, the Lieutenant Governor, in compliance with an Address from the House of Assembly, has advanced from the Provincial Chest the sum of £17,910, as the balance necessary to satisfy the remainder of these claims. It will consequently be necessary to apply to Parliament during the present Session for the fulfilment of the promise made by His Majesty's Government in the year 1834, and I am therefore to request that you will move the Lords Commissioners of the Treasury to direct that an estimate for that purpose should be accordingly prepared. In the preparation of that estimate, Lord Glenelg directs me to call the attention of the Lords Commissioners of the Treasury to what appears to be an error in the calculation of the sum now due on account of the War Losses. In the abstract attached to Sir J. Colborne's Despatch of 10th April 1833, which was transmitted to the Treasury on the 11th of the following June, it was stated that the sum then remaining due was £57,910 8s. 1½d.—but on a careful examination of that abstract, it would appear that the amount actually due was £57,412 0s. 10½d. Lord Glenelg is unable to discover in what manner this miscalculation arose in the first instance, but it would appear to have escaped Sir F. Head's notice on the presentation to him of the Address from the Assembly. I am also to remind you that there was paid back to the Commissariat, in 1823, the sum of £663 10s. 3½d. out of the amount granted in that year. The total sum, therefore, for which it would seem now necessary to apply to Parliament would be £16,748 10s. 7d., which, with the amount paid back in 1823, would make up the sum £17,412 0s. 10½d., required to complete the payment of these long pending claims.

I am, &c.

(Signed) J. STEPHEN.

A. Y. SPEARMAN, Esq.

[Copy.]

No. 217.

DOWNING STREET,
5th August, 1837.

SIR,

I have received the various Despatches enumerated in the margin. I acknowledge them together, because they all relate to the various Acts passed during the last Session of the Assembly of Upper Canada. Anticipating the solicitude which must be felt in the Province respecting the fate of the various Bills reserved for the signification of His late Majesty's pleasure, I cannot longer postpone my communication on that subject, although I regret to add that I am not yet prepared to address you respecting it in any decisive terms. The extraordinary bulk of the transcripts of these laws having induced you to despatch them to England through the ordinary Packet from Quebec, they did not reach this country until the 14th of June. At that period the declining health of the King made it evident that a demise of the Crown would shortly take place, followed by an early dissolution of Parliament. Under such circumstances, it became impossible for me to lay before the two Houses, in conformity with the Act of 1791, the Bill for the disposal of the Public Lands in Upper Canada. Copies of the Bills which passed in the last Session had indeed reached me for the purpose in the month of May, with your Despatch No. 37 of the 4th of April; but it appeared to me necessary to await the arrival of your promised report upon them, and of the original transcript, authenticated under the Great Seal of the Province, before laying this Public Land Bill before the Houses of Lords and Commons;—and that transcript did not arrive until the Session was drawing to a close, and the period for complying with the provisions of the Statute of 1791 had passed away.

Despatch relative to Reserved Bills, and the Acts of Session 1836-7.

4th April, 1837—No. 34.
" " " —No. 36.
" " " —No. 37.
5th " " —No. 39.
" " " —No. 40.
6th " " —No. 43.
25th " " —No. 50.
4th May, " —No. 54.
20th " " —No. 64.

It is necessary, therefore, that the decision of the Queen upon this Act should be suspended until the expiration of 30 days from the time when it shall have been laid before both Houses of Parliament in the ensuing Session.

Despatch relative to
Reserved Bills, and the
Acts of Session 1836-7.

The reserved Bills comprise a series of Banking Charters far more numerous and important than, probably, were ever the fruit of a single Session of the Legislature in any part of Her Majesty's Dominions.

The records of the British Parliament certainly do not furnish any exception to this statement.

The consideration of them will, of course, require some time,—but Her Majesty's Government are engaged in a careful examination of them, and it will be my earnest endeavour to communicate the result to you with the least possible delay. I refer to the number and the great importance of these Bills as affording an apology for that degree of postponement which I find to be absolutely inevitable on the present occasion.

This postponement, indeed, is perhaps, under the circumstances in which the Province has recently been placed, more a subject of congratulation than regret. You have been obliged, though with extreme and laudable reluctance, to convene the Provincial Legislature to deliberate upon suspending the cash payments of the existing Banks. It is well that any thing should have occurred to arrest the immediate establishment of so large a number of similar institutions. Considered in this light, I cannot look back without some satisfaction on the restraint which my instructions of August, 1836, imposed upon you in assenting to laws of this nature.

The financial embarrassments of the Province would have been greatly enhanced if these additional Banks had all been in action in the Spring of the present year, and had availed themselves of their power of augmenting the paper currency of Upper Canada.

I lament that I should be compelled to close this communication without announcing to you the decision of Her Majesty in Council on the reserved Bills, and on the Acts of the Session. The circumstances already mentioned may partly explain that delay which is further accounted for by the General Election now in progress throughout the United Kingdom. Amongst the members of Her Majesty's Government whom it is especially necessary to consult on this occasion, a large proportion have been called away from London to meet their constituents in different parts of the country. This difficulty being now removed, I trust that it will be found possible to proceed, without any further loss of time, to the determination of questions in which the people of Upper Canada must feel the deepest interest, and which cannot therefore but be viewed as of great importance by the Government and people of this country.

I have the honour to be, Sir,
Your most obedient humble Servant,
(Signed) GLENELG.

Sir FRANCIS B. HEAD, Bart.,
&c. &c. &c.

A true Copy.

J. JOSEPH.

No. 248.

DOWNING STREET,
27th Nov., 1837.

SIR,

The various Bills passed by the Legislature of the Province of Upper Canada in the first session of the present year, which were reserved by you for the signification of His late Majesty's pleasure, of which I subjoin a list, have engaged the very serious attention of Her Majesty's Government; and I had indulged the hope that long ere now it would have been in my power to have conveyed to you the decision of the Queen in Council on that subject: But the extraordinary difficulties in which the Commercial world has been involved throughout the whole of the North American continent during the present year, has rendered it at once impossible and useless to determine in what manner these Bills should be disposed of,—impossible, because facts essential to a correct decision of the question have hitherto been unascertained,—and useless, because if the Royal Assent had been given to these Bills, they could not, in the existing state of trade, have been carried into effect.

On referring to the Bills, it appears that the effect of them, if confirmed, would be to increase the aggregate Capital of the Chartered Banking Establishments in the Province from £500,000 to £4,500,000, Cr^y, or in the proportion of nine to one; and to confer a power of issuing and circulating notes to the extent of £13,500,000. To introduce at once changes of such magnitude in the commercial and financial operations of a country possessing not more than 400,000 inhabitants, and to take that measure at a time when the Local Legislature has been compelled by the irresistible pressure of circumstances to provide for the suspension of cash payments by the existing Chartered Banks, is evidently impossible. To disallow the whole series of Bills collectively, would be to defeat some plans which appear not only unobjectionable, but wise and well considered. To select from the list any particular laws for confirmation, to the exclusion of the rest, would be to undertake an office, for the right discharge of which Her Majesty's Government are not prepared, since it would require a minute acquaintance with many facts which can be accurately ascertained only within the limits of the Province itself.

Under these circumstances, the only course which it has remained for Her Majesty's Government to adopt, is that of humbly advising the Queen to suspend Her Majesty's decision on the whole of these reserved bills until the subject should have been referred back to both Houses of the Local Legislature, as well as to the Lieutenant-Governor of the Province, for reconsideration. In the present state of the monetary system of the whole North American Continent, so unex-

Despatch on Reserved
Bank Bills.

amplified in its nature, and apparently so little expected when these laws were passed, the different Branches of the Local Legislature will probably be themselves desirous to resume their deliberations regarding the measures which it would be right to adopt on the applications of the authors of these various plans.

Despatch on Reserved Bank Bills.

Her Majesty has therefore been graciously pleased to command me to instruct you to request the Legislative Council and House of General Assembly, under the altered circumstances of the case, to take these Reserved Bills again into their consideration. I am especially commanded to invite the attention of the Legislative Council and Assembly to the Bill, No. 1,063, which would make the Provincial Government a shareholder to a very large extent in the Upper Canada Bank, and would, in effect, render that establishment one of the chief departments of the local Administration. If the two Houses should finally adhere to this measure, and should express their wish for the confirmation of the Bill by Her Majesty in Council, it will be your duty to deliberate, with the assistance of the Executive Council of the Province, on the various consequences—political, financial, and commercial—of so remarkable an innovation, and to communicate to me, for Her Majesty's information, the result of these deliberations. A similar report should be made respecting every other bill in this series which either House of the local Legislature may still think ought to be finally enacted.

In the event of any new bill, having for its object the establishment of any Chartered Bank, being presented for your acceptance, you will have the goodness to exercise your own judgment as to the propriety of refusing your assent, or of reserving it for the signification of Her Majesty's pleasure, and whichever course may be taken, you will transmit to me a full report of the grounds and motives of your decision.

I have the honor to be,

Sir,

Your most obedient humble Servant,

(Signed) GLENELG.

Sir F. B. HEAD, Bart.,
&c. &c. &c.

A true copy.

J. JOSEPH.

UPPER CANADA.

List of Bills referred to in Lord Glenelg's Despatch to Sir Francis Head, No. 248, of the 27th Nov., 1837.

List of Reserved Bank Bills, accompanying Despatch.

- | | |
|--|--|
| 1063.—An Act to increase the Capital Stock of the Bank of Upper Canada, and to alter and amend the Charter thereof. | Bill to increase Stock of Upper Canada Bank |
| 1065.—An Act for increasing the Capital Stock of the Commercial Bank of the Midland District. | Bill to increase Stock of Commercial Bank, M. D. |
| 1066.—An Act to establish a Bank at Brockville, in the District of Johnstown. | Brockville Bank Bill. |
| 1067.—An Act to incorporate certain persons under the style of the Upper Canada Loan and Trust Company. | U. C. Loan and Trust Company Bill. |
| 1068.—An Act to incorporate sundry persons under the style and title of the President, Directors, and Company, of the Bank of the Newcastle District. | Newcastle District Bank Bill. |
| 1069.—An Act to incorporate sundry persons under the style and title of the President and Directors of the Upper Canada Life Insurance and Trust Company. | U. C. Life Insurance and Trust Company Bill. |
| 1070.—An Act to incorporate sundry persons under the style and title of the President, Directors, and Company, of the Erie and Ontario Bank of the Niagara District. | Erie and Ontario Bank Bill. |
| 1071.—An Act to incorporate sundry persons under the style and title of the President, Directors, and Company, of the Prescott Bank. | Prescott Bank Bill. |
| 1072.—An Act to incorporate sundry persons under the style and title of the President, Directors, and Company, of the Prince Edward District Bank. | Prince Edward District Bank Bill. |
| 1073.—An Act incorporating a Joint Stock Company under the style and title of the President, Directors, and Company, of the London District Bank. | London District Bank Bill. |
| 1074.—An Act to amend the Charter and increase the Capital Stock of the Gore Bank. | Bill to increase Stock of Gore Bank. |
| 1075.—An Act to incorporate sundry persons under the style and title of the President, Directors, and Company, of the Western District Bank. | Western District Bank Bill. |
| 1076.—An Act to incorporate sundry persons under the style and title of the Niagara District Bank. | Niagara District Bank Bill. |
| 1080.—An Act to incorporate sundry persons under the style and title of the President, Directors, and Company, of the Freeholders' Bank of Upper Canada. | Freeholders' Bank Bill. |

[Copy.]

No. 249.

DOWNING STREET,
28th November, 1837.

SIR,

Despatch communicating
Order in Council disal-
lowing Franking Bill

With reference to my Despatch, No. 240, of the 30th October last, I have the honour to transmit to you an order passed by Her Majesty in Council on the 18th instant, disallowing the Act, No 969, of the Provincial Parliament, for granting the privilege of Franking to the members of the Legislature. The order is accompanied by an Extract from the Report of the Lords of the Committee of Privy Council for Trade, stating their Lordships' reasons for advising Her Majesty to disallow this Act.

I also transmit, in accordance with the provisions of the Act 31, Geo. 3, Chap 31, my certificate as to the day on which the said Act was received at this Department.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed) GLENELG.

Sir F. B. HEAD, Bart.,
&c. &c. &c.

A true Copy.

J. JOSEPH.

[Copy.]

At the Court at Buckingham Palace, the 18th of November, 1837.

P R E S E N T :

The QUEEN'S MOST EXCELLENT MAJESTY,

LORD CHANCELLOR,
LORD PRESIDENT,
LORD PRIVY SEAL,
LORD STEWARD,
LORD CHAMBERLAIN,
EARL of ALBEMARLE,
EARL SPENCER,
EARL of MINTO,
LORD JOHN RUSSELL,VISCOUNT MELBOURNE,
VISCOUNT HOWICK,
LORD HOLLAND,
LORD GLENELG,
SIR CHARLES VAUGHAN,
MR. POULETT THOMSON,
SIR JOHN HOBHOUSE, Bt.,
MR. CHANCELLOR of the EXCHEQUER.

WHEREAS the Governor of Her Majesty's Province of Upper Canada, with the Council and Assembly of the said Province, did in the month of March last pass an Act which has been transmitted, entitled as follows, viz. :

No. 969. "An Act to authorise the members of the Legislative Council and House of Assembly of this Province to frank letters by the General Post during the Session of the Legislature."

And WHEREAS the said Act has been referred to the Committee of the Lords of Her Majesty's most Honourable Privy Council appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported, as their opinion, to Her Majesty, that the said Act should not receive Her Majesty's Royal confirmation.

Her Majesty was, thereupon, this day pleased, by and with the advice of Her Privy Council, to declare Her disallowance of the said Act, and the same is hereby disallowed accordingly :— Whereof the Governor, Lieutenant Governor, or Commander-in-Chief for the time being, of Her Majesty's Province of Upper Canada, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(Signed) WM. L. BATHURST.

A true Copy.

[Copy.]

Extract from Report of
Committee of P. Council
for Trade, on Franking
Bill.

Extract from a Report of the Lords of the Committee of Privy Council for Trade upon Upper Canada Act, No. 969—bearing date the 17th of November, 1837.

"The Lords of the Committee having taken the said Act into consideration, humbly take leave to report, as their opinion, to Your Majesty, that this Act should be disallowed, because the power of Franking, given by this Act, will be exercised in respect of the charge to which letters are liable in respect of their conveyance beyond the limits of the Province of Upper Canada."

A true Copy.

[Copy.]

I, Charles Baron Glenelg, one of Her Majesty's Principal Secretaries of State, having the Department of War and the Colonies, do hereby certify that the Act passed by the Legislature of the Province of Upper Canada on the 4th of March, 1837, entitled "An Act to authorise the members of the Legislative Council and House of Assembly of this Province to frank letters by the General Post during the Session of the Legislature," was received at this Department on the thirty-first day of May, one thousand eight hundred and thirty-seven.

Certificate of Lord Glenelg of receipt of Franking Bill at Colonial Dep't.

Given under my hand and seal this twenty-third day of November, one thousand eight hundred and thirty-seven.

(Signed)

GLENELG.

(FOR CORRESPONDENCE RELATIVE TO THE INDIANS—REPORT OF TRUSTEES OF TORONTO HOSPITAL—AND DOCUMENTS RELATIVE TO CASUAL AND TERRITORIAL REVENUE—See Appendix.)

On motion of Mr. Attorney General, seconded by Mr. McLean,

Ordered—That the Militia Bill be referred back to the Select Committee by whom it was reported, to reconsider the same, and to make a further report thereon.

Militia Bill referred back to Select Committee.

Mr. Sherwood, from the Committee to wait on His Excellency the Lieutenant Governor, with the Address of this House, praying for a Return of the applications for Land by religious bodies, and the answers thereto severally, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:—

Select Com. to carry up Address for Return of applications for land by Religious bodies, report answer.

GENTLEMEN,

I will transmit to the House of Assembly, as soon as it can be prepared, the Return requested in this Address.

Answer.

On motion of Mr. Merritt, seconded by Mr. Aikman,

Ordered—That the Message of His Excellency the Lieutenant Governor, together with the Reply to an Address of this House by Her Majesty's Government, on the subject of Trade,—and the Accounts relating to the Casual and Territorial Revenue, with the documents relating to those subjects—be referred to the Committee of Finance.

Messages of His Excellency with reply to Address on Trade, and with Casual and Territorial Revenue Accounts, referred to Finance Committee.

On motion of Mr. Solicitor General, seconded by Mr. Thorburn,

Ordered—That an humble Address be presented to His Excellency the Lieutenant Governor, thanking him for his several Messages of this date,—and that Messrs. Shade and Cameron be a Committee to prepare, report, and present the same.

Address of thanks ordered.

Adjourned.

Tuesday, 30th January, 1838.

The House met.

The minutes of yesterday were read.

Pursuant to the order of the day, the amendment made by the Honorable the Legislative Council, in and to the Address to Her Majesty sent up from this House, praying for a grant of Lands to Colonel FitzGibbon, was read the first time, as follows:—

Amendment to Address for grant of land to Col. FitzGibbon, read first time.

In the Address—Expunge "unanimously."

Amendment.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Twenty-ninth day of January, 1838. }

The amendment was then read the second time.

Amendment read second time.

Mr. Cartwright, seconded by Mr. Sherwood, moves, that the amendment of the Honourable the Legislative Council, to the Address to Her Majesty, on the subject of a grant of Land to Colonel FitzGibbon, be concurred in.

Concurred in

Which was carried, and the amendment was concurred in.

Messrs. Cartwright and Boulton were ordered by the Speaker to carry the Address up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the amendment.

Petitions brought up:

The following Petitions were severally brought up and laid on the table:—

C. R. Denholm

By Mr. Solicitor General, the petition of Christopher R. Denholm, of the City of Toronto.

L. B. Mentz, and others.

And by Mr. Aikman, the petition of Leslie B. Mentz, and one hundred and thirty-eight others, of the Township of York, and two first Concessions of Cayuga (Haldimand).

Petitions read

Pursuant to the order of the day, the following petitions were read:—

P. De Grassi

Of Philip de Grassi, of the township of York, Home District, praying to be reimbursed £530 expended by him on the roads.

E. Kellogg, and others.

Of Elijah Kellogg, and one hundred and seventy others of the District of Ottawa, praying that certain concessions of Lochiel and Kenyon may be annexed to the District of Ottawa, in exchange for Gloucester and Osgoode.

G. Hamilton, J. P., and others.

Of George Hamilton, J. P., and sixty-six others, of the Eastern District and District of Ottawa, praying aid for roads.

E. Allison, J. P., and others.

Of Harry Allison, J. P., and seventy-seven others, of the township of Warwick, Western District, praying aid for a road.

R. Lesslie, and 625 others.

Of Robert Leslie and six hundred and twenty-five others, of the townships of Oxford, Marlborough, Woford, Montague, and North and South Gower, in the District of Johnstown, and Mountain in the Eastern District, praying that those townships may be formed into a separate District.

C. Rust

Of Charles Rust, of the township of Bayham, District of London, praying to be naturalized.

J. McLaurin, and 62 others.

And of John McLaurin and sixty-two others, of the Township of Gloucester, District of Ottawa, praying aid for a road.

Petition of G. Wright, and others, referred.

On motion of Mr. Burwell, seconded by Mr. McLean,

Ordered—That the petition of John Wright and others of the District of Talbot, with the annexed documents, be referred to a Committee of the whole on the bill granting pensions for services during the late rebellion.

On motion of Mr. Burwell, seconded by Mr. Murney,

Ordered—That the Message of His Excellency the Lieutenant Governor, of yesterday, which relates to bills passed at the last winter Session, and reserved for the Royal Assent, be referred to the Committee on Finance.

Message of His Excellency on reserved Bills, referred to Finance Committee.

NOTICES:
Of Bill to amend Gaols erection Bill, as respects County of Hastings.

Mr. Murney gives notice that he will, on to-morrow, move for leave to bring in a bill to alter and amend so much of an Act passed in the first year of Her present Majesty's reign, entitled "*An Act to regulate the future erection of Gaols in this Province*"—as relates to the County of Hastings.

Of motion for reading Journals on report on Clergy Reserves.

Mr. Thompson gives notice that he will, on Thursday next, move for the reading of that part of the Journals of the first Session of the present Parliament that refers to the Report of the Select Committee upon the Clergy Reserves.

Of Bill to provide for taking evidence on Oath before Select Committees.

Mr. Boulton gives notice that he will, on to-morrow, move for leave to bring in a bill to provide for taking evidence on oath before Select Committees of this House.

Mr. Cameron gives notice that he will, on to-morrow, move an Address to His Excellency the Lieutenant Governor, praying him to lay before this House any correspondence that may have taken place between him and Sir John Colborne, the Commander of the Forces, on the subject of the recent appointment of officers of the Army over the heads of the Militia Officers in Upper Canada; and on the removal of the troops from this Province.

Of Address on appointment of Officers of the Army over Militia Officers, and on removal of the Troops from this Province.

Mr. Cartwright gives notice that he will, on to-morrow, move for leave to bring in a bill to supply the want of certain notices on notes past due.

Of Bill to supply want of certain notices.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to amend the practice of the District Courts.

Bill to amend practice of District Courts, again committed.

Mr. Parke in the chair.

The House resumed.

The Chairman reported that the committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House.

Reported amended.

The Report was received.

Ordered—That the bill be engrossed and read a third time to-morrow.

3rd reading to-morrow.

Pursuant to notice, Mr. Cameron, seconded by Mr. Chisholm of *Halton*, moves that this House do now resolve itself into a Committee of Supply for the purpose of granting to Her Majesty a sum of money to procure a portrait of the Honourable the Speaker of this House, to be put up within the same, as a small testimonial of his gallant and patriotic conduct during the late insurrection.

House in Com. of Supply on granting a sum of money to procure portrait of Speaker.

Which was carried, and the House was put into a Committee of the whole accordingly.

Mr. Shaver in the Chair.

The House resumed.

The Chairman reported that the Committee had risen.

Committee rises.

On the question for receiving the Report, the Yeas and Nays were taken as follows:—

On receiving report:

Y E A S.

Messieurs *Aikman, Boulton, Chisholm* of Glengarry, *Cook, Deltor, Gowan, Malloch, McIntosh, McLean, Morris, Sherwood, Solicitor-General, Thorburn, Woodruff*—14.

Yeas—14.

N A Y S.

Messieurs *Burwell, Cameron, Chisholm* of Halton, *Duncombe, Dunlop, McCrae, McDonell* of Stormont, *Murney, Norton, Parke, Richardson, Ruttan, Shade, Shaver*—14.

Nays—14.

The question was carried in the affirmative by the casting vote of the Speaker, and the report was received.

Carried by casting vote of Speaker.

Pursuant to notice, Mr. Murney, seconded by Mr. Manahan, moves that this House do now resolve itself into a Committee of Supply for the purpose of granting to Her Majesty a sum of money, annually, to provide a pension for the widows and children of the late Captain James McNab and Captain William Church.

Motion for Com. of Supply to grant pensions to widows and children of Capts. McNab & Church.

On which the Yeas and Nays were taken as follows:—

Division,

Y E A S.

Messieurs *Boulton, Burwell, Duncombe, Dunlop, Jarvis, Manahan, McDonell* of Stormont, *McKay, McLean, Murney, Parke, Richardson, Ruttan, Solicitor-General*—14.

Yeas—14.

N A Y S.

Messieurs *Aikman, Chisholm* of Glengarry, *Cook, Deltor, Gowan, Malloch, McIntosh, Norton, Rykert, Shade, Shaver, Sherwood, Thomson, Woodruff*—14.

Nays—14.

Carried by casting vote of Speaker, and House in Committee accordingly.

The question was carried in the affirmative by the casting vote of the Speaker, and the House was put into a Committee of the whole accordingly.

Mr. Boulton in the chair.

The House resumed.

Resolution reported.

The Chairman reported that the Committee had agreed to a resolution, which he was directed to submit for the adoption of the House.

Resolution

The Report was received, and the resolution was put as follows:—

Resolved—That there be granted to Her Majesty the sum of £50 currency, annually, to enable Her Majesty to grant to the widow of the late James McNab, Esquire, a Captain of the 1st Regiment of Hastings Militia, an annuity during life—the said James McNab having been killed by accident while on duty on the night of the 16th December last—and a further sum of £30 annually to enable Her Majesty to grant an annuity of £10 to each of the children of the said James McNab, until they attain respectively the age of 21; and the like sum of £50 annually to the widow of the late Captain W. Church, and £10 to each of his children annually, until they respectively attain the age of 21.

Division.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—16.

Messieurs *Armstrong, Boulton, Burwell, Cameron, Duncombe, Jarvis, Manahan, Marks, McDonell* of Stormont, *McLean, Murney, Parke, Richardson, Robinson, Ruttan, Shade*—16.

N A Y S.

Nays—15.

Messieurs *Aikman, Bockus, Chisholm* of Glengarry, *Cook, Deilor, Gowan, Malloch, McIntosh, Rykert, Shaver, Sherwood, Solicitor-General, Thomson, Thorburn, Woodruff*—15.

Carried, majority 1.

The question was carried in the affirmative by a majority of one, and the Resolution was adopted.

On motion of Mr. Murney, seconded by Mr. Manahan,

Select Committee to draft bill on resolution.

Ordered—That the Report of the Committee of Supply, upon the Pensions for the Widows and Children of the late Captain James Macnab and Captain William Church, be referred to a Select Committee, consisting of Messrs. Manahan and Boulton, to draft a bill thereon.

Message from Legislative Council.

The Master in Chancery brought down from the Honourable the Legislative Council a Message, and having delivered the same at the Clerk's Table, retired.

The Message was read by the Speaker, as follows:—

MR. SPEAKER:

Bill to amend Welland Canal Charter passed.

The Legislative Council has passed the Bill sent up from the Commons House of Assembly, entitled "*An Act to amend the Charter of the Welland Canal Company*"—without any amendment.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Thirtieth day of January, 1838. }

Committee to carry up Address for information respecting the Canada Company, report answer.

Mr. Rykert, from the Committee to wait on His Excellency, the Lieutenant-Governor, with the Address of this House, praying for certain information on the Canada Company's affairs, reported delivering the same; and that His Excellency had been pleased to make thereto the following Answer:—

GENTLEMEN:—

Answer.

I shall give directions for the preparation of the documents requested by this Address, in order that they may be laid before the House of Assembly as soon as possible.

Mr. Thorburn, from the Committee to wait on His Excellency the Lieutenant Governor with the Address of this House, praying for information respecting the state of the affairs of the firm of Thomas Wilson & Co., reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:—

Committee to carry up Address on affairs of T. Wilson & Co., report answer.

GENTLEMEN,—

I will transmit to the House of Assembly, with as little delay as possible, all the information and documents in my possession relating to the balance due from Messrs. Thomas Wilson & Co., of London, to this Province; and also relative to any plan for raising further loans in case they should be required for the Public Service, together with such communications as have been made to me by the Receiver General, on those subjects.

Answer.

Pursuant to the order of the day, the Bill to convey a certain road allowance in the District of Gore to Allan N. MacNab, Esquire, was read the second time.

Bill to convey road allowance to Mr MacNab. read second time and committed.

The House was put into a committee of the whole on the Bill.

Mr. Solicitor General in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The report was received.

Ordered—That the bill be engrossed and read a third time to-morrow.

3rd reading to-morrow.

Pursuant to notice, Mr. Merritt, seconded by Mr. Rykert, moves for leave to bring in a Bill to authorise Justices of the Peace to issue warrants of attachment against the property of concealed and absconding debtors.

Bill to attach property of absconding debtors, brought in.

Which was granted, and the bill was read the first time.

Bill read first time.

Ordered—That the Bill be read a second time to-morrow.

2nd reading to-morrow.

Pursuant to the order of the day, the Bill to provide pensions for the Widows and Orphans of Militiamen killed in defence of the Province, was read the second time.

Bill to provide pensions for widows of militiamen killed, read second time and committed.

The House was put into a Committee of the whole on the bill.

Mr. Malloch in the chair.

The House resumed.

The Chairman reported that the committee had gone through the provision of the bill, amended the same, and submitted it for the adoption of the House.

Reported amended.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow.

3rd reading to-morrow.

On motion of Mr. Aikman, seconded by Mr. Merritt,

Ordered—That 100 copies of the Bill to amend the Act for attaching the property of absconding or concealed debtors be printed for the use of members.

100 copies of the Bill to be printed.

Pursuant to the order of the day, the House was again put into a committee of the whole on the Bill to amend the Chancery Act.

Bill to amend Chancery Act again committed.

Mr. Chisholm of *Glengarry* in the chair.

The House resumed.

The Chairman reported that the committee had risen for want of a quorum.

No Quorum.

P R E S E N T.

Messieurs *Armstrong, Attorney-General, Bockus, Boulton, Burwell, Cameron, Chisholm of Halton, Chisholm of Glengarry, Detlor, Manahan, Marks, McKay, McLean, Merritt, Ruttan, Rykert, Shade, Sherwood, Solicitor-General, and Thomson*—20.

Present.

At five o'clock, P. M., the Speaker declared the House adjourned for want of a quorum.

Wednesday, 31st January, 1838.

The House met.

P R E S E N T.

No Quorum.

Messieurs *Bockus, Boulton, Burwell, Cartwright, Chisholm* of Halton, *Chisholm* of Glengarry, *Cook, Deltor, Kearnes, Malloch, McDonell* of Stormont, *McLean, Parke, Ruttan, Rykert, Shaver, Thomson, and Woodruff*—18.

At a quarter before eleven o'clock, A. M., the Speaker took the chair, and adjourned the House for want of a quorum.

Thursday, 1st February, 1838.

The House met.

The minutes of Tuesday and yesterday were read.

Bill to amend Chancery Act again committed.

Pursuant to the order of the day, the House was again put into a committee of the whole on the Bill to amend the Chancery Act.

Mr. Chisholm, *of Glengarry*, in the chair.

The House resumed.

Reported amended.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

The Report was received.

On 3d reading to-morrow,

On the question for the third reading of the bill to-morrow, the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—17.

Messieurs *Boulton, Burwell, Chisholm* of Glengarry, *Ferrie, Jarvis, Kearnes, Malloch, Manahan, Marks, McDonell* of Stormont, *Murney, Powell, Robinson, Rykert, Shaver, Sherwood, Solicitor-General*—17.

N A Y S.

Nays—7.

Messieurs *Aikman, Cook, Deltor, Gowan, McIntosh, Parke, Ruttan*—7.

Carried, majority 10.

The question was carried in the affirmative by a majority of ten, and the Bill was ordered to be engrossed and read a third time to-morrow.

Petitions brought up:

The following Petitions were severally brought up and laid on the table:—

A. Stull & P. Lampman.

By Mr. Rykert, the petition of Adam Stull and Peter Lampman, of the District of Niagara.

T. Parker, J. P., and 4 others.

By Mr. Manahan, the petition of Thomas Parker, J. P., and four others, Justices of the Peace, Building Committee of the County of Hastings.

J. L. Willson and others.

By Mr. Ferrie, the petition of James L. Willson, and others, President and Board of Police of the Town of Hamilton.

R. E. Vidal and 53 others.

And by Mr. Cameron, the petition of R. E. Vidal, and fifty-three others, of the County of Kent.

Bill to amend practice of District Courts, read third time.

Pursuant to the order of the day, the Bill to amend the practice of the District Courts, was read the third time.

On question for passing,

On the question for passing the Bill,

Amendment moved.

In amendment, Mr. Murney, seconded by Mr. Manahan, moves, that the Bill do not now pass, but that it pass this day six months.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs *Manahan, Richardson, Ruttan*—3.

Yeas—3.

N A Y S.

Messieurs *Aikman, Armstrong, Boulton, Burwell, Cartwright, Chisholm of Halton, Chisholm of Glengarry, Cook, Dellor, Duncombe, Dunlop, Gowan, Jarvis, Kearnes, Malloch, Marks, McIntosh, McKay, McLean, Parke, Robinson, Rykert, Shaver, Sherwood, Solicitor-General, Thomson, Woodruff*—27.

Nays—27.

The question of amendment was decided in the negative by a majority of twenty-four.

Amendment lost, majority 24.

In amendment, Mr. Solicitor-General, seconded by Mr. Malloch, moves, that the Bill do not now pass, but that it be referred to a Select Committee, to consist of Messrs. Cartwright, Sherwood, Jarvis, Rykert, and Ruttan, with power to send for persons and papers, and to report thereon.

Motion to refer Bill to Select Committee.

Which was carried.

Carried.

On motion of Mr. Cartwright, seconded by Mr. Sherwood,

Ordered—That the name of Draper be added to the committee.

Sol. General added to Committee.

Pursuant to the order of the day, the Bill to convey a certain road allowance to Mr. MacNab, was read the third time and passed.

Bill to convey road allowance to Mr MacNab, read 3rd time and passed.

Mr. Sherwood, seconded by Mr. Aikman, moves, that the Bill be entitled,

“An Act to authorise the Surveyor of Highways, in and for the County of Wentworth, to convey to Allan N. MacNab, Esquire, certain allowance for Road in the Township of Barton, in the District of Gore.”

Title.

Which was carried, and Messrs. Sherwood and Aikman were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Bill granting Pensions to the Widows and Orphans of persons killed during the rebellion, was read the third time.

Bill granting pensions to widows, &c., of militia-men killed, read 3rd time

On the question for passing the Bill,

In amendment, Mr. Burwell, seconded by Mr. McLean, moves, that the Bill do not now pass, but that the following be added as a rider:—“And whereas under the provisions of an Act passed in the Seventh year of the Reign of His late Majesty King George the Fourth, entitled ‘An Act to repeal part of, amend, and continue the laws now in force, for the payment of Militia Pensions,’ Nathan S. Coho, of the Township of Middleton, in the District of Talbot, has received a Militia Pension, and whereas during the late rebellion the said Nathan S. Coho was concerned in aiding, abetting, and promoting the said rebellion, *Be it therefore enacted by the authority aforesaid,* That notwithstanding any provision or expression in the said Act contained, or contained in any other Act of the Legislature of this Province, relating to Militia Pensions, the said Nathan S. Coho shall not be permitted to receive any Pension in future.”

Amendment moved.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Burwell, McLean*—2.

Yeas—2.

N A Y S.

Messieurs *Aikman, Armstrong, Boulton, Chisholm of Glengarry, Cook, Dellor, Duncombe, Dunlop, Gowan, Jarvis, Kearnes, Malloch, Manahan, McDonell, of Stormont, McIntosh, Murney, Parke, Richardson, Robinson, Ruttan, Rykert, Shaver, Sherwood, Thomson, Woodruff*—25.

Nays—25.

The question of amendment was decided in the negative by a majority of twenty-three.

Lost, majority 23.

Motion to re-commit Bill.

In amendment, Mr. Thomson, seconded by Mr. Sherwood, moves, that the Bill do not now pass, but that it be re-committed for the purpose of making provision for those that may have been, or shall hereafter be, wounded while on duty.

Division

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—25

Messieurs *Aikman, Armstrong, Boulton, Burwell, Chisholm* of Glengarry, *Cook, Detlor, Duncombe, Dunlop, Gowan, Jarvis, Kearnes, Marks, McCrae, McDonell* of Stormont, *McIntosh, McLean, Parke, Robinson, Ruttan, Rykert, Shaver, Solicitor-General, Thomson, Woodruff*—25.

N A Y S.

Nays—4.

Messieurs *Cameron, Manahan, Murney, Richardson*—4.

Carried, majority 21, and bill re committed.

The question was carried in the affirmative by a majority of twenty-one, and the House was put into a Committee of the whole on the Bill accordingly.

Mr. Woodruff in the chair.

The House resumed.

Reported amended.

The chairman reported that the Committee had amended the Bill, and submitted it for the adoption of the House.

3rd reading to-day.

The Report was received, and the Bill, as amended, was ordered to be read a third time this day.

Petitions read :

Pursuant to the order of the day, the following Petitions were read:—

J. S. Cartwright, Esq., and 4 others.

Of John S. Cartwright, Esquire, Chairman Quarter Sessions, Midland District, and four others, of the Town of Kingston, praying that said Town may be Incorporated, or the powers of the Magistrates extended.

C. R. Denholm.

Of Christopher R. Denholm, of the City of Toronto, praying remuneration for work done in the Parliament House as a Smith.

L. B. Mentz and 138 others.

And of Lesslie B. Mentz, and one hundred and thirty-eight others, of the Township of York, and two first Concessions of Cayuga (Haldimand), praying that the above may form part of the District of Gore.

T. Parker, Esq. J. P. and others.

Mr. Manahan, seconded by Mr. Murney, moves, that the petition of Thomas Parker, Esq., and other Magistrates of Belleville, be now read, and that the thirty-first rule of this House be dispensed with for this purpose.

Which was carried; and the petition of Thomas Parker, Esquire, J. P., and four other Justices of the Peace, Building Committee of the County of Hastings, praying that the provisions of an Act passed this Session, to regulate the erection of Gaols, may not be applied to the said County—was read.

Petitions referred :

On motion of Mr. Manahan, seconded by Mr. Murney,

Of T. Parker, Esq. J. P. and others.

Ordered—That the petition of Thomas Parker, Esquire, J. P., and other Magistrates of Belleville, be referred to a Select Committee, to consist of Messrs. Murney and Cartwright, with leave to report by Bill or otherwise.

On motion of Mr. Aikman, seconded by Mr. Ferrie,

Of L. B. Mentz & others.

Ordered—That the Petition of Leslie B. Mentz and others, of the Township of York, and the first and second concessions of Cayuga in the County of Haldimand, Niagara District, praying to be attached to the District of Gore, be referred to a Select Committee, consisting of Messrs. Bockus, Rykert, Detlor, and Chisholm *of Halton*, to report thereon by bill or otherwise.

NOTICES :

Of Committee of Supply to provide pension for Shep'd McCormick, Esq.

Mr. Burwell gives notice that he will, on to-morrow, move that this House do go into a Committee on Supply, for the purpose of granting to Her Majesty a sum of money to provide a Pension for Sheppard McCormick, Esq., a retired Lieutenant of the Royal Navy, during his natural life, for the

severe wounds received by that gentleman in the gallant capture and destruction of the piratical steamer *Caroline*, when in the employment of a banditti of pirates, rebels, and incendiaries, in the act of invading this Province to murder and plunder its inhabitants.

Mr. Rykert gives notice that he will, on to-morrow, move for leave to bring in a Bill to authorise the Sale and Conveyance of Original Highways in lieu of new ones, in certain cases in this Province.

Of bill for sale of old roads.

Captain Dunlop gives notice that, on to-morrow, he will move that an humble Address be presented to His Excellency the Lieutenant-Governor, praying that His Excellency will be pleased to direct a copy of the Order in Council of January 15th, 1836, authorising the erection of Rectories, to be laid before this House.

Of Address for Order in Council on Rectories.

Mr. Murney, from the committee to draft and report a bill pursuant to the resolution granting Pensions to the Widows and Orphans of the late Captains McNab and Church, reported a draft, which was received and read the first time.

Committee to draft McNab and Church pension bill, report draft.

Bill read first time.

Ordered—That the bill granting Pensions to the Widows and Children of the late Captains McNab and Church, be read a second time to-morrow.

2nd reading to-morrow.

Mr. Murney, from the Select Committee to which was referred the petition of Thomas Parker and others, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Select Com. on petition T. Parker and others report bill to exempt County of Hastings from provisions of Act respecting erection of Gaols.

Bill read first time.

The report was received, and the bill to exempt the County of Hastings from the provisions of the Act relating to the erection of Gaols was read the first time.

On the question for the second reading of the Bill to-morrow,

In amendment, Mr. Manahan, seconded by Mr. Murney, moves that the bill be now read a second time, and that the 31st rule of this House be dispensed with as far as respects this motion.

Which was carried, and the Bill was read the second time.

Read 2nd time and committed.

The House was put into a Committee of the whole on the bill.

Mr. Burwell in the Chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

Reported amended

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow.

3rd reading to-morrow.

On motion of Mr. Ruttan, seconded by Mr. Armstrong,

Ordered—That the Message of His Excellency the Lieutenant Governor, with the accompanying documents, upon the subject of the Upper Canada Academy, be referred to a Select Committee, to be composed of Messrs. Solicitor General, Armstrong, Detlor, and Boulton, with power to send for persons and papers, and to report thereon.

Message and documents on U. C. Academy referred to Select Com.

Pursuant to notice, Captain Dunlop, seconded by Mr. Kearnes, moves, that an humble Address be presented by this House to our Sovereign Lady the Queen, praying that Her Majesty will be graciously pleased to place at the disposal of His Excellency the Lieutenant Governor such portion of the Wild Lands of this Province, as in Her Royal Will she may think proper, for the purpose of rewarding the meritorious services of the Militia and Volunteers of this Province during the late Rebellion.

Address to Her Majesty to grant lands to the militia, ordered.

Which was ordered.

Pursuant to notice, Mr. Kearnes, seconded by Mr. Ruttan, moves, that the House do now form itself into a Committee of the whole, for the purpose

House in Committee on answering joint Address from New-Brunswick.

of answering the joint Address of both Houses of the Legislature of New Brunswick.

Which was carried; and the House was put into a Committee of the whole accordingly.

Mr. Sherwood in the chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some progress in their deliberation, and asked leave to sit again to-morrow.

The Report was received, and leave granted accordingly.

Bill to amend Road and Bridge appropriation Act, brought in

Pursuant to notice, Mr. Gowan, seconded by Mr. Morris, moves for leave to introduce a Bill to amend and continue an Act passed in the Seventh year of the Reign of his late Majesty King William the Fourth, entitled,

“An Act to alter and amend an act passed during the last Session of the Legislature, entitled, ‘An Act granting to His Majesty a sum of money for the Improvement of Roads and Bridges in the several Districts of this Province?’”

Bill read first time.

Which was granted, and the Bill was read the first time.

Bill reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

House in Comm. of Supply on granting Swords to Col. MacNab and Capt. Drew.

Pursuant to notice, Mr. Burwell, seconded by Mr. Chisholm of *Halton*, moves, that this House do now resolve itself into a Committee of the whole on Supply, for the purpose of granting to Her Majesty a sum of money, to enable Her Majesty to cause to be presented to the Honorable Allan N. MacNab, Speaker of this House, a native of this Province, and Colonel in the Militia Forces, a suitable Sword, as a token of the regard in which his services are held, for the promptitude, zeal, and ability displayed by him when called upon by the Representative of his Sovereign to quell and put down the late wicked and unnatural rebellion in this Province, and to defend our Niagara Frontier from invasion by a piratical force. And to enable Her Majesty to cause to be presented to Andrew Drew, Esquire, a retired commander of the Royal Navy, a suitable Sword, as a memorial of the estimation in which his gallant services are held for the capture and destruction of the Piratical Steamer *Caroline*, while employed in supplying a banditti of Pirates, Rebels, and Incendiaries, then in the occupation of Navy Island, within Her Majesty's Province of Upper Canada, with volunteer Pirates, Provisions, Arms, Ordnance, and other munitions of war, from the United States, for the purpose of enabling that piratical force to rob and destroy the inhabitants of this Province.

Which was carried, and the House was put into a Committee of the whole accordingly.

Mr. Woodruff in the Chair.

The House resumed.

Resolution reported.

The chairman reported that the Committee had agreed to two Resolutions, which he was directed to submit for the adoption of the House.

The Report was received.

The first resolution was put as follows:—

1st Resolution.

Resolved—That there be granted to Her Majesty the sum of one hundred guineas to enable Her Majesty to cause to be presented to the Honorable Allan Napier McNab, the Speaker of this House, a native of this Province, and Colonel of the Militia Forces, a suitable sword, as a token of the regard in which his services are held, for the promptitude, zeal, and ability displayed by him when called upon by the Representative of his Sovereign to quell and put down the late wicked and unnatural rebellion in this Province, and to defend our Niagara Frontier from invasion by a piratical force.

On which the Yeas and Nays were taken as follows :—

Division.

Y E A S.

Messieurs *Attorney-General, Boulton, Burwell, Cameron, Cartwright, Chisholm* of Halton, *Chisholm*, of Glengarry, *Deilor, Duncombe, Dunlop, Ferrie, Manahan, Marks, McDonell* of Stormont, *Murney, Parke, Richardson, Robinson, Ruttan, Rykert, Sherwood, Solicitor-General, Thomson, Thorburn, Woodruff*—25.

Yeas—25.

N A Y S.

Messieurs *Bockus, Cook, Gowan, Kearnes, McIntosh, McLean, Morris, Shaver*—8.

Nays—8.

The question was carried in the affirmative by a majority of seventeen, and the Resolution was adopted. Carried, majority 13.

The second resolution was put as follows :—

Resolved—That there be granted to Her Majesty the sum of seventy-five guineas to enable Her Majesty to cause to be presented to Andrew Drew, Esquire, a retired Commander of the Royal Navy, a sword, as a memorial of the estimation in which his gallant services are held, for the capture and destruction of the piratical Steamer *Caroline*, while employed in supplying a banditti of pirates, rebels, and incendiaries, then in the occupation of Navy Island, within Her Majesty's Province of Upper Canada, with volunteer pirates, provisions, arms, and ordnance, and other munitions of war, from the United States, for the purpose of enabling that piratical force to rob and destroy the inhabitants of this Province. 2nd Resolution.

On which the Yeas and Nays were taken as follows :—

Division,

Y E A S.

Messieurs *Aikman, Boulton, Burwell, Cameron, Cartwright, Chisholm* of Halton, *Chisholm* of Glengarry, *Deilor, Dunlop, Ferrie, Kearnes, Manahan, Marks, McCrae, McKay, Murney, Richardson, Robinson, Ruttan, Rykert, Sherwood, Solicitor-General, Thomson*—23.

Yeas—23.

N A Y S.

Messieurs *Bockus, Cook, Gowan, McDonell* of Stormont, *McIntosh, McLean, Morris, Shaver, Thorburn, Woodruff*—10.

Nays—10.

The question was carried in the affirmative by a majority of thirteen, and the resolution was adopted. Carried, majority 13.

On motion of Mr. Burwell, seconded by Mr. Murney,

Ordered—That the resolutions of this House relating to swords to be presented to Colonel McNab and Captain Drew, be referred to a Select Committee consisting of Messrs. *Chisholm of Halton*, and *Richardson*, to report by bill. Resolutions referred to Select Committee to draft Bill.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to regulate Statute Labour. Statute labor regulation bill again committed.

Mr. Bockus in the Chair.

The House resumed.

The Chairman reported that the Committee had made some further progress in the Bill, and asked leave to sit again to-morrow. Progress reported.

On the question for receiving the Report, the Yeas and Nays were taken as follows :— On receiving report :

Y E A S.

Messieurs *Aikman, Bockus, Boulton, Burwell, Cartwright, Chisholm* of Glengarry, *Dunlop, Ferrie, Gowan, Kearnes, Manahan, Marks, McCrae, McIntosh, McKay, McLean, Robinson, Rykert, Sherwood, Thorburn*—20.

Yeas—20.

N A Y S.

Messieurs *Deilor, Richardson, Thomson*—3.

Nays—3.

Carried, majority 17.

The question was carried in the affirmative by a majority of seventeen, and the Report was received.

Motion to refer Bill to Select Committee.

Mr. Boulton, seconded by Mr. Kearnes, moves that the Bill respecting Statute Labour be referred to a Select Committee, to consist of Messrs. Thomson, Robinson, Rykert, and Aikman, to report thereon.

Division.

On which the Yeas and Nays were taken as follows :—

Y E A S.

Yeas—22

Messieurs *Aikman, Bockus, Boulton, Burwell, Cartwright, Chisholm* of Glengarry, *Detlor, Dunlop, Ferrie, Gowan, Kearnes, Manahan, Marks, McCrae, McIntosh, McKay, McLean, Robinson, Rykert, Sherwood, Solicitor-General, Thorburn*—22.

N A Y S.

Nays—1

Mr. *Richardson*—1.

Carried, majority 21.

The question was carried in the affirmative by a majority of twenty-one, and ordered accordingly.

Adjourned.

Friday, 2nd February, 1838.

The House met.

The minutes of yesterday were read.

Petitions brought up.

The following Petitions were severally brought up, and laid on the table :—

S. Frayr and 6 others.

By Mr. Armstrong, the Petition of Simon Frayr and six others of the District of Prince Edward.

Lt. Harper and 19 others.

By Captain Dunlop, the Petition of Lieutenant Harper, R. N. and nineteen others, British Seamen, of Kingston.

J. Swetman.

By Mr. Bockus, the Petition of Joseph Swetman, Lighthouse Keeper, False Ducks Island.

C. Smith and 97 others.

And by Mr. Merritt, the Petition of Christopher Smith and ninety-seven others, of the Counties of Lincoln and Haldimand.

Bill to provide pensions for widows of militiamen read 3rd time and passed.

Pursuant to the order of the day, the Bill granting Pensions to the Widows and Orphans of persons killed in the Rebellion was read the third time and passed.

Title.

Mr. Manahan, seconded by Mr. Murney, moves that the bill be entitled—
“ An Act to provide Pensions for the Widows and Children of Militiamen killed in the late Rebellion, and for other purposes therein mentioned.”

Which was carried; and Messrs. Manahan and Murney were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Bill to amend Chancery Act read third time.

Pursuant to the order of the day, the bill to amend the Act establishing a Court of Chancery was read the third time.

On the question for passing the bill,

Amendment moved.

In amendment, Mr. Merritt, seconded by Mr. McKay, moves that the bill do not now pass, but that the following be added as a rider thereto :—

“ And be it, &c., That this Act be in force for one year, and until the end of the then next ensuing Session of Parliament and no longer, for the purpose of enabling the Vice-Chancellor and Judges of Her Majesty's Court of King's Bench to prepare a suitable Table of Fees, on or before the next Session of Parliament, for the approval of the Legislature, that the said Table of Fees may be embodied in the Act.”

Division.

On which the Yeas and Nays were taken, as follows :—

Y E A S.

Messieurs *Aikman, Armstrong, Bockus, Chisholm* of Glengarry, *Cook, Detlor, Duncombe, Gowan, McCrae, McDonell* of Stormont, *McIntosh, Merritt, Parke, Ruttan, Shaver, Thomson, Thorburn, Woodruff*—18. Yeas—18.

N A Y S.

Messieurs *Boulton, Burwell, Cartwright, Malloch, Manahan, Murney, Powell, Rykert, Sherwood, Solicitor-General*—10. Nays—10.

The question of amendment was carried in the affirmative by a majority of eight. Amendment carried, majority 8.

Pursuant to the order of the day, the Bill to amend the Act to regulate the erection of Gaols, was read the third time and passed. Bill to amend Gaol Act read 3rd time and passed.

Mr. Manahan, seconded by Mr. Murney, moves that the bill be entitled—
 “*An Act to exempt the District of Hastings from the operation of a Bill, passed during the present Session, to regulate the future Erection of Gaols in this Province.*” Title.

Which was carried; and Messrs. Murney and Manahan were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

On motion of Mr. Sherwood, seconded by Mr. Boulton,

Ordered—That the Petition of John S. Cartwright, Esquire, be referred to a Select Committee, consisting of Messrs. Detlor, Murney, and Marks, with power to report thereon by bill or otherwise. Petitions referred :
Of J. S. Cartwright, Esq.

On motion of Mr. Gowan, seconded by Captain Dunlop,

Ordered—That the Petition of Philip De Grassi be referred to a select Committee, consisting of Messrs. Robinson, Chisholm of *Halton*, and Ruttan, with power to send for persons and papers, and to report. Of P. De Grassi.

On motion of Mr. Boulton, seconded by Mr. Cartwright,

Ordered—That the petition of William Weller and others be referred to the Committee of Supply on to-morrow. Of W. Weller and others.

Mr. Rykert gives notice that he will, on to-morrow, move an humble Address to Her Majesty, praying that She will be pleased to confirm the Bill which passed this Legislature during the first Session of the present Parliament, entitled,

“*An Act to Incorporate sundry persons under the style and title of the President, Directors, and Company, of the Erie and Ontario Bank of the Niagara District.*” NOTICES :
Of Address to Her Majesty to confirm Erie and Ontario Bank Bill.

Mr. Gowan gives notice that he will, on to-morrow, move that the House resolve itself into a Committee of Supply, for the purpose of granting to Her Majesty the sum of £250, said sum to be expended in the purchase of a certain work entitled “*Field Exercises and Evolutions of the Army,*” as revised by Royal Authority in 1833. Of Committee of Supply on purchasing certain Military Books.

Mr. McLean gives notice that he will, on to-morrow, move for reading that part of the Journals which contains a report of a Select Committee on the petition of Arthur Burton, dated 24th February, 1837. Of motion to read Journals on report on petition of A. Burton.

Mr. Boulton, from the Select Committee to which was referred the petition of R. C. Horne, presented a Report, which was received and read as follows :— Select Com. on petition of R. C. Horne, present report.

To the Honourable the Commons House of Assembly.

The Committee, to whom was referred the petition of Robert Charles Horne, Esquire, beg leave respectfully to Report :— Report.

That Your Committee having ascertained that the House, with the Furniture and Out-buildings, of the Petitioner, on Yonge Street, was destroyed by the Rebels in the early part of December last, have taken the best means in their power of ascertaining his loss, with a view to compensation ;—as to the Furniture, the Committee annex the Account produced by the Petitioner, and from his high respectability they have no reason to doubt his veracity, or the correctness of his statement. In regard to the Buildings, your Committee had the most satisfac-

tory means of ascertaining their value, from John Ewart, Esquire, who formerly was the Proprietor, as also from Mr. Ritchie, a well known Builder, who built the House.—From their concurrent testimony, your Committee learn the value of the Buildings to be £950—although it appears that the Petitioner put up a Verandah which was not taken into account. Your Committee are persuaded that the Petitioner is a faithful zealous subject, and that his House was fired by the rebels in the late Insurrection, and that he is entitled to remuneration for his loss. They therefore recommend his loss to the favourable consideration of the House.

All of which is most respectfully submitted.

G. S. BOULTON,
Chairman.

Committee Room, House of Assembly, }
1st February, 1838.

General Abstract of Articles lost.

Stoves, Pipes, &c.,.....	£40	Forward,....	£540
Tables, Chairs, Sofas, &c.,.....	70	Plate,	20
Wardrobe, Closets, Drawer, &c.,.....	80	Table-Linen, &c.,.....	20
Carpets,.....	40	Contents of Store-Room and Pantry,..	75
Bedsteads, Bed, &c.,.....	165	do. Cellar,.....	25
Cabinets, Work-Boxes, &c.,.....	25	Harness, Hay, &c.,.....	25
Instruments, Medicines, &c.,.....	50	Clothes,.....	175
Dinner, Breakfast, and Tea Setts,....	30	Books,.....	300
Ironmongery,	40	Servants' Clothes,	30
Forward,....	£540		£1210

R. C. HORNE.

Toronto, 31st January, 1838.

Select Com. on petition of Nancy Strobridge, present report.

Mr. Ferrie, from the Select Committee to which was referred the petition of Nancy Strobridge, presented a Report, which was received and read, as follows:—

To the Honourable the Commons House of Assembly.

Report.

The Committee, to whom was referred the petition of Nancy Strobridge, beg leave to Report, That the sum claimed by her is merely interest upon the amount that was awarded to be paid to her late husband, as Contractor upon the Burlington Bay Canal, by arbitrators appointed under the authority of an Act of the Legislature of this Province. The said Arbitrators, *being sworn* to make a just award, did declare that a certain sum of money was due to her late husband, and ordered the same to be paid to him on a certain day. The money was not paid until after the time allowed by the said Arbitrators for the payment thereof,—consequently your Committee are fully of opinion that interest is justly due upon the amount of the said award, from the day on which the amount was ordered to be paid until the time of actual payment. The justice of the claim for interest was admitted by your Honorable House last winter, when a Bill was passed, and sent to the Honorable the Legislative Council, granting a sum of money for the payment of Mrs. Strobridge's claim—as well as by the House of Assembly at sundry other times. The late Mr. Strobridge suffered great pecuniary and personal injury, owing to the sum awarded being so long withheld from him; and your Committee trust that justice may at last be done by granting the sum claimed.

COLIN C. FERRIE,
Chairman.

Committee Room, House of Assembly, }
31st January, 1838.

Report on petition of R. C. Horne, referred to Supply.

On motion of Mr. Boulton, seconded by Mr. Sherwood,
Ordered—That the Report of the Committee on the Petition of Robert C. Horne, Esq. be referred to the Committee of Supply on to-morrow.

Report on petition of N. Strobridge referred to Supply.

On motion of Mr. Ferrie, seconded by Mr. Aikman,
Ordered—That the Report of the Select Committee on the Petition of Nancy Strobridge be referred to a Committee of Supply.

Message and Despatch on Reserved Bank Bills referred to Finance Com.

On motion of Mr. Boulton, seconded by Mr. Rykert,
Ordered—That the Message of His Excellency the Lieutenant-Governor, with the Despatch accompanying the same, on the subject of the several

Bank Bills reserved for the Royal Assent, be referred to the Committee on Banking, and that the Committee on Finance be discharged from the consideration of that Message and Despatch.

Mr. Sherwood, seconded by Mr. Ferrie, moves that an humble Address be presented to His Excellency the Lieutenant-Governor, requesting His Excellency to lay before this House copies of any further communication which His Excellency may have received respecting the invasion of this Province by foreigners and others, or respecting any matters connected therewith;—and that the 31st rule of this House be dispensed with so far as it relates to the same; and that Messrs. Boulton and Cartwright be a Committee to draft, report, and present the same.

Address for further information respecting the invasion of this Province.

Which was carried.

Mr. Boulton, seconded by Mr. Ruttan, moves that the Committee to whom was referred the Resolution of this House, granting £200 per annum as a retired allowance to Colonel Coffin, be discharged, and that the said Resolution be referred to the Committee of the whole House forthwith.

House in Com. of whole on resolution granting retired allowance to Colonel Coffin.

Which was carried; and the House was put into a Committee of the whole on the same accordingly.

Mr. McLean in the chair.

The House resumed.

The Chairman reported that the Committee had amended the Resolution, and submitted it for the adoption of the House.

Reported amended.

The report was received.

The Resolution, as amended, was put, as follows:—

Resolved—That the sum of £300 be granted to Her Majesty annually, to enable Her Majesty to pay Colonel Coffin, Adjutant-General of Militia, a retired allowance during his life.

Resolution as amended.

On which the Yeas and Nays were taken, as follows:—

Division on Resolution.

Y E A S.

Messieurs *Aikman, Boulton, Burwell, Cartwright, Chisholm* of Glengarry, *Dunlop, Manahan, Marks, McDonell* of Stormont, *McKay, McLean, Robinson, Ruttan, Rykert, Sherwood, Solicitor-General*—16.

Yeas—16.

N A Y S.

Messieurs *Armstrong, Bockus, Cameron, Cook, Duncombe, Gowan, Malloch, McIntosh, Morris, Parke, Shaver, Thorburn, Woodruff*—13.

Nays—13.

The question was carried in the affirmative by a majority of three, and the Resolution was adopted.

Carried, majority 3.

On motion of Mr. Boulton, seconded by Mr. Rykert,

Ordered—That the Resolution granting £300 annually as a retired allowance to Colonel Coffin be referred to a Select Committee, to consist of Messrs. Sherwood and Cartwright, to draft and report a bill thereon.

Resolution referred to Select Committee to draft Bill.

Pursuant to the order of the day, the Rider to the Bill to amend the Act establishing a Court of Chancery, was read the third time.

Rider to Bill to amend Chancery Act read 3rd time.

On the question for passing the Bill,

In amendment, Mr. Sherwood, seconded by Mr. Boulton, moves that the bill do not now pass, but that it be amended by expunging the fourth clause.

Motion to expunge 4th clause.

Which was carried.

Carried.

Pursuant to the order of the day, the House was again put into a committee of the whole on the Report of Select Committee on petition of Owen Richards.

House again in Com. of Supply on report on petition of O. Richards.

Mr. Shaver in the chair.

The House resumed.

Progress reported.

The Chairman reported that the committee had made some further progress in the consideration of the Report, and asked leave to sit again to-morrow.

The Report was received, and leave granted accordingly.

Mr. Cameron, seconded by Mr. Bockus, moves, that the petition of R. E. Vidal, Esquire, and fifty-three others, be read forthwith, and that the 41st Rule of this House be dispensed with, so far as relates to the same.

Petition of R. E. Vidal and 53 others, read.

Which was carried, and the petition of R. E. Vidal, and fifty-three others, of the County of Kent, praying for a loan of £12,000 to macadamize a certain Road in said County, to be refunded by a tax on Lands, and by Tolls to be collected on said road—was read.

On motion of Mr. Cameron, seconded by Mr. Bockus,

Referred

Ordered—That the petition of R. E. Vidal, and others, be referred to a Select Committee, to be composed of Messrs. Gowan, Dunlop, Bockus, and McCrae, to report by Bill or otherwise.

Bill to supply want of notices on notes past due, brought in.

Pursuant to notice, Mr. Cartwright, seconded by Mr. Ferrie, moves, that he have leave to bring in a Bill to supply the want of due notices on Notes or Bills past due.

Bill read first time.

Which was granted, and the Bill was read the first time.

On the question for the second reading of the Bill to-morrow.

In amendment, Mr. Cartwright, seconded by Mr. Ferrie, moves, that the Bill to supply the want of notices on Notes and Bills be read a second time forthwith, and that the 40th Rule of this House be dispensed with so far as relates to the same.

Read 2nd time and committed.

Which was carried, and the Bill was read the second time.

The House was put into a Committee of the whole on the bill.

Mr. Sherwood in the Chair.

The House resumed.

Committee rises.

The Chairman reported that the Committee had risen.

On receiving report:

On the question for receiving the Report, the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—20

Messieurs *Aikman, Burwell, Cameron, Chisholm of Glengarry, Cook, Dettlor, Duncombe, Dunlop, Marks, McCrae, McKay, Murney, Morris, Parke, Shaver, Sherwood, Solicitor-General, Thomson, Thorburn, Woodruff*—20.

N A Y S.

Nays—2.

Messieurs *Cartwright, Ferrie*—2.

Report received, majority, 8.

The question was carried in the affirmative by a majority of eighteen, and the Report was received.

Bill to disfranchise persons refusing to bear arms, read second time and committed.

Pursuant to the order of the day, the Bill to disfranchise those who refuse to bear arms in defence of the Province, was read the second time.

The House was put into a committee of the whole on the Bill.

Mr. Aikman in the chair.

The House resumed.

Committee rises

The Chairman reported that the Committee had risen.

The Report was received.

Fisheries regulation bill read 2nd time and committed.

Pursuant to the order of the day, the Bill to regulate Fisheries was read the second time.

The House was put into a Committee of the whole on the bill.

Mr. Solicitor General in the chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House. Progress reported.

The Report was received.

On the question for the third reading of the bill to-morrow,

In amendment, Mr. Bockus, seconded by Mr. Marks, moves that the bill to regulate Fisheries in this Province be not read a third time on to-morrow, but that it be referred to a Select Committee, composed of Messrs. Dunlop, Solicitor-General, Sherwood, and Cameron, with power to report thereon by amendment or otherwise. Bill referred to select committee.

Which was carried, and ordered.

The Master in Chancery brought down from the Honourable the Legislative Council the Bill entitled, "*An Act to grant a Pension to the Widow and Children of the late Col. Moodie,*" to which that Honourable House had made some amendments, and requested the concurrence of this House thereto. Message from Legislative Council.
Mrs Moodie's Pension bill sent down amended.

The amendments made by the Honourable the Legislative Council in and to the bill sent up from this House, entitled, "*An Act to grant a Pension to the Widow and Children of the late Colonel Moodie,*" were read the first time as follows:—

In the title—After "Colonel" insert "Robert." Amendments.

In the Bill—Press 1, Line 2—After "Colonel" insert "Robert." After "Moodie" insert "late of the 104th Regiment of Foot."

After the enacting clause, expunge the remainder, and insert "That from and out of the rates and duties now raised, levied, and collected, or hereafter to be raised, levied, and collected, and in the hands of the Receiver General, and unappropriated, there be granted to Her Majesty, Her Heirs and Successors, the sum of One Hundred Pounds, annually, to provide for the payment of a pension to the widow of the late Colonel Robert Moodie aforesaid, to commence on the 4th day of December last, and to be payable half yearly to the said widow, and in case of her death or marriage, then to the eldest child or guardian thereof lawfully appointed, for the use of the children of the said Colonel Robert Moodie, until the youngest thereof shall have attained the age of twenty-one years."

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Second day of February, 1838. }

Pursuant to the order of the day, the bill to amend the Act establishing a Court of Chancery was read the third time. Bill to amend Chancery Act read 3rd time.

On the question for passing the bill, the Yeas and Nays were taken as follows:— On passing,

Y E A S.

Messieurs *Aikman, Burwell, Cameron, Cartwright, Gowan, Malloch, Manahan, Marks, McDonell* of Stormont, *McLean, Murney, Powell, Rykert, Sherwood, Solicitor-General, Thomson*—16. Yeas—16.

N A Y S.

Messieurs *Bockus, Chisholm* of Glengarry, *Dellor, Dunlop, McIntosh, Parke, Ruttan, Woodruff*—8. Nays—8.

The question was carried in the affirmative by a majority of eight, and the bill was passed. Carried, majority 8.

Mr. Sherwood, seconded by Mr. Cartwright, moves that the bill be entitled,

"*An Act to amend an Act, entitled, 'An Act to establish a Court of Chancery in this Province.'*" Title.

Which was carried, and Messrs. Sherwood and Cartwright were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Bill to abolish Imprisonment for Debt, again committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the bill to abolish imprisonment for debt.

Mr. McLean in the Chair.

The House resumed.

Reported amended.

The chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the bill be engrossed and read a third time to-morrow.

Select Committee report Militia Bill.

Mr. Gowan, from the Committee to which was referred the Militia Bill, reported the Bill.

Bill read first time.

The Report was received, and the Bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

Adjourned.

Saturday, 3rd February, 1838.

The House met.

The minutes of yesterday were read.

Petitions brought up:

The following Petitions were severally brought up and laid on the table:—

James Stanton.

By Mr. Thorburn, the petition of James Stanton, of the District of Niagara, Gentleman.

J. Williamson & 75 others.

By Mr. Aikman, the petition of John Williamson, and seventy-five others, of the Townships of Saltfleet and Barton, District of Gore.

Elijah Nellis.

By Mr. Merritt, the petition of Elijah Nellis, of the Township of Blandford (Oxford).

Claghorn and Bain.

Powell, Bailey, & Cairnes.

Margaret Washburn.

By Mr. Solicitor General, the petition of Thomas Claghorn and Isaac Blain—the petition of Joseph Powell, James Bailey, and Bernard Cairnes,—and the petition of Margaret Washburn, of the City of Toronto.

Rev. E. Ryerson.

By Mr. Armstrong, the petition of the Rev. Egerton Ryerson, of the Wesleyan Methodist Conference.

D. Campbell & 253 others.

G. B. Hall and 50 others.

By Mr. Merritt, the petition of Duncan Campbell, and two hundred and fifty-eight others, of the District of Talbot,—and the petition of Geoffrey B. Hall, and fifty others, of the Counties of Lincoln and Haldimand.

Priscilla Lee.

And by Mr. Ruttan, the petition of widow Priscilla Lee, of the Township of York, Home District.

Bill to abolish Imprisonment for debt, read 3rd time.

Pursuant to the order of the day, the Bill to abolish Imprisonment for Debt was read the third time.

On the question for passing the Bill,

Motion for passing this day three months.

In amendment, Mr. Bockus, seconded by Mr. Morris, moves, that the Bill do not now pass, but that it pass this day three months.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—19.

Messieurs *Aikman, Armstrong, Bockus, Chisholm* of Halton, *Cook, Duncombe, McCrae, McIntosh, McKay, Merritt, Murney, Morris, Parke, Ruttan, Shaver, Thomson, Thorburn, Woodruff*—19.

N A Y S.

Nays—14.

Messieurs *Burwell, Cameron, Cartwright, Chisholm* of Glengarry, *Deilor, Ferrie, Gowan, Malloch, Marks, McDonell* of Stormont, *McLean, Robinson, Sherwood, Solicitor-General*—14.

The question was carried in the affirmative by a majority of four, and ordered accordingly. Carried, majority 4.

Pursuant to the order of the day, the following Petitions were read:— Petitions read:

Of Adam Stull and Peter Lampman, of the District of Niagara, praying to have their names inserted on the Pension List. A. Stull & P. Lampman.

And of James L. Willson, and others, President and Board of Police of the Town of Hamilton, praying for authority to effect a loan of £1000, to complete the Market House in said Town. J. L. Willson and others.

Mr. Solicitor General, seconded by Mr. Malloch, moves, that the petition of Joseph Powell, and others, be now read, and that the 41st Rule of this House be dispensed with so far as regards the same.

Which was carried, and the petition of Joseph Powell, James Bailey, and Bernard Cairnes, praying remuneration for the loss of their Schooner, the "Nancy"—wrecked off Toronto, while in Her Majesty's Service, in December last,—was read. Powell, Bailey, & Cairnes.

Mr. Solicitor General, seconded by Mr. Malloch, moves, that the petition of Thomas Claghorn, and Isaac Blain, be now read, and that the 41st Rule of this House be dispensed with so far as regards the same.

Which was carried, and the petition of Thomas Claghorn and Isaac Blain, praying remuneration for the loss of their Schooner, the "Prosperity," wrecked off Toronto in December last, while in Her Majesty's service, was read. Claghorn and Blain.

Mr. Solicitor-General, seconded by Mr. Malloch, moves that the petition of Margaret Washburn be now read, and that the 41st rule of this House be dispensed with as respects the same.

Which was carried, and the petition of Margaret Washburn, of the City of Toronto, praying remuneration for losses sustained through incendiaries during the late rebellion, was read. Margaret Washburn.

Mr. Ruttan, seconded by Mr. Detlor, moves that the petition of the Rev. Egerton Ryerson be read forthwith, and that the 41st rule of this House be dispensed with so far as relates to the same.

Which was carried, and the petition of the Rev. Egerton Ryerson, of the Wesleyan Methodist Conference, praying the House to recommend to His Excellency the payment of £2050, according to Lord Glenelg's Instructions, being the remaining moiety of a sum authorised to be advanced in aid of the Upper Canada Academy, was read. Rev. E. Ryerson.

Mr. Ruttan, seconded by Mr. Cartwright, moves that the petition of Priscilla Lee be forthwith read, and that the 41st rule of this House be dispensed with so far as relates to the same.

Which was carried, and the petition of the widow Priscilla Lee, of the Township of York, Home District, praying that the pension allowed her late husband may be continued to her, was read. Priscilla Lee.

Mr. Ruttan, seconded by Mr. Gowan, moves that 200 copies of the petition of the Rev. Egerton Ryerson, together with the Message referred to, and the accompanying documents, be printed for the use of members. Motion to print 200 copies of petition of Rev. E. Ryerson.

On which the Yeas and Nays were taken as follows:— Division.

Y E A S.

Messieurs Aikman, Armstrong, Bockus, Cameron, Chisholm of Halton, Chisholm of Glengarry, Cook, Detlor, Duncombe, Dunlop, Gowan, Malloch, Marks, McCrae, McDonell of Stormont, McIntosh, McKay, Merritt, Murney, Parke, Ruttan, Rykert, Shaver, Sherwood, Thomson, Thorburn, Woodruff—27. Yeas—27.

N A Y S.

Messieurs Burwell, Cartwright, McLean, Solicitor-General—4. Nays—4.

Carried, majority 23.

The question was carried in the affirmative by a majority of twenty-three, and ordered accordingly.

Petitions referred :

On motion of Mr. Ruttan, seconded by Mr. Detlor,

Of Rev. E. Ryerson

Ordered—That the petition of the Rev. Egerton Ryerson be referred to the Select Committee to whom was referred His Excellency the Lieutenant Governor's Message of the 29th ult., relating to the Upper Canada Academy.

On motion of Mr. Solicitor-General, seconded by Mr. Malloch,

Of Margaret Washburn.

Ordered—That the petition of Margaret Washburn be referred to the same committee to whom was referred the petition of Robert Charles Horne, with power to send for persons and papers and to report thereon.

On motion of Mr. Solicitor-General, seconded by Mr. Malloch,

Of J. Powell and others.

Of Claghorn and Blain.

Ordered—That the petition of Joseph Powell and others, and of Thomas Claghorn and Isaac Blain, be referred to the same Committee to whom was referred the petition of Robert Charles Horne, with power to send for persons and papers, and to report thereon.

On motion of Mr. Rykert, seconded by Mr. Thomson,

Of Stull and Lampman.

Ordered—That the petition of Adam Stull and Peter Lampman be referred to a Committee of Supply.

On motion of Mr. Ferrie, seconded by Mr. Aikman,

Of J. L. Willson and others.

Ordered—That the petition of James L. Willson, President of the Hamilton Incorporated Police, be referred to a Select Committee, consisting of Messrs. Sherwood and Detlor, with power to report by Bill or otherwise.

On motion of Mr. Ruttan, seconded by Mr. Gowan,

Of Priscilla Lee.

Ordered—That the petition of Priscilla Lee be referred to a committee of the whole House on Supply, on Monday next.

Address for further documents on U. C. Academy, ordered.

Mr. Cartwright, seconded by Mr. Solicitor General, moves, that an humble Address be presented to His Excellency, praying that His Excellency will be pleased to transmit to this House any other documents in his possession, relative to the aid to the Upper Canada Academy;—and that Messrs. Sherwood and Murney be a Committee to draft, report, and present the same.

Which was carried and ordered.

NOTICES :

Of motion for reading Journals on petition of Chairman Gr. Sessions, District of London.

Mr. Burwell gives notice that he will, on Monday next, move for reading that part of the Journal of this House of the 19th December, 1836, which relates to the petition of the Chairman of the Quarter Sessions of the District of London, respecting means for erecting a new Gaol in that District.

Of motion for resolutions respecting proceedings on report on petition of Rev. A. McNaughton and others, last winter Sess.

Mr. Thomson gives notice that he will, on Monday next, move that it be **Resolved**, 1st.—That this House, when in committee of the whole, on the 9th February last, on the Report of the Select Committee on the petition of the Rev. Alexander McNaughton, and others, adopted a Resolution which regards as inviolable the rights acquired under the patents by which Rectories have been endowed. 2nd. That this House would not have concurred in such a Resolution had it not been under the impression, and with a confident belief, that the said Rectories were legally established, and endowed by the express authority of His late Most Gracious Majesty.

Of Address to H. Majesty to assent to Prince Edward District Bank Bill.

Mr. Bockus gives notice that he will, on Monday next, move that an humble Address be presented to Her Majesty, praying Her Majesty to be graciously pleased to assent to an Act passed during the first Session of the present Parliament, entitled—

“An Act to incorporate sundry persons under the style and title of the President, Directors, and Company, of the Prince Edward District Bank.”

Mr. Bockus gives notice that he will, on Monday next, move that this House do resolve itself into a Committee of Supply, for the purpose of granting a Pension to the Widow and Children of the late Colonel Moodie.

Of committee of Supply to grant a pension to widow of Col. Moodie (2nd.)

Captain Dunlop, from the Committee to draft and report an Address to Her Majesty, pursuant to the Resolution respecting the granting of Lands to the Volunteers and Militia engaged in putting down the late Rebellion, reported a draft, which was received and read twice, and ordered to be engrossed and read a third time on Monday next.

Address for grant of lands to volunteers and militia reported and read twice.

3rd reading Monday.

Pursuant to notice, Mr. Sherwood, seconded by Mr. Ferrie, moves, that this House do resolve itself into a committee of the whole upon the subject of the invasion of the Province by certain Americans, and on the capture of the Steam-boat Caroline.

House in Com. of whole on invasion by Americans, &c.

Which was carried, and the House was put into a Committee of the whole accordingly.

Mr. Duncombe in the chair.

The House resumed.

The chairman reported that the Committee had made some progress in the consideration of the subject, and asked leave to sit again on Wednesday next.

Progress reported.

The Report was received, and leave granted accordingly.

On motion of Mr. Sherwood, seconded by Mr. Rykert,

Ordered—That the Resolutions upon the subject of the invasion of this Province by American citizens be the first item on the order of the day for Wednesday next, and that 500 copies be printed for the use of members.

Resolutions on invasion referred to Com. of whole on Wednesday—1st item.

500 copies to be printed.

Pursuant to the order of the day, the amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, entitled—

Amendments to Boundary Commissioners' Bill read second time, and committed.

“An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province,”

Were read the second time.

The House was put into a Committee of the whole on the amendments.

Mr. Merritt in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the amendments, and submitted them for the adoption of the House.

The Report was received.

The amendments were then read the third time and passed.

Read 3rd time and passed.

Messrs. Gowan and Morris were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the amendments.

Pursuant to notice, Mr. Merritt, seconded by Mr. Rykert, moves that this House do now resolve itself into a Committee of Supply on the Report of Select Committee on the Petition of Thomas Butler and others.

House in Com. of Supply on Report on petition of T. Butler and others.

Which was carried; and the House was put into a Committee of the whole on the same accordingly.

Mr. Gowan in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to a Resolution which he was directed to submit for the adoption of the House.

Resolution reported.

The Report was received.

The Resolution was adopted, as follows:—

Resolution adopted.

Resolved—That there be granted to Her Majesty the sum of £12,500, for the purpose of preparing and macadamizing the Great Canboro' Road.

Resolution.

Home District division Bill, read second time and committed.

Pursuant to the order of the day, the Bill to erect the Eastern Townships of the Home District into a separate District was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Cameron in the chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again on Monday next.

The Report was received, and leave granted accordingly.

On motion of Mr. Merritt, seconded by Mr. Burwell,

Resolution on Canboro' Road referred to Select Committee to draft Bill.

Ordered—That Messrs. Thorburn and Rykert be a Committee to draft and report a Bill, pursuant to the Resolution of this House granting a sum of money for the Great Canboro' Road.

Bill to amend law respecting Hilary Term, read 2nd time and committed.

Pursuant to the order of the day, the Bill to repeal so much of the Act for increasing the number of Judges, as relates to Hilary Term, was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Ruttan in the chair.

The House resumed.

Reported without amendment.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The Report was received.

3rd reading Monday.

Ordered—That the Bill be engrossed and read a third time on Monday next.

House again in Com. of Supply on report of Select Com. on petition of J. Gamble, Esq.

Pursuant to the order of the day, the House was again put into a Committee of Supply on the Report of Select Committee on Petition of J. Gamble, Esq.

Mr. McLean in the chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some further progress in the consideration of the Report, and asked leave to sit again on Monday next.

The Report was received, and leave granted accordingly.

Bill to relieve disabled and infirm, brought in.

Pursuant to notice, Mr. Merritt, seconded by Mr. Rykert, moves for leave to bring in a Bill for the Relief of the Disabled and Infirm.

Which was granted, and the Bill was read the first time.

2nd reading Monday.

Ordered—That the Bill be read a second time on Monday next.

Ryan's Pension Bill read 2nd time and committed.

Pursuant to the order of the day, the Bill granting a Pension to John Ryan was read the second time.

The House was put into a Committee of the whole on the bill.

Mr. Detlor in the Chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again on Monday next.

The Report was received, and leave granted accordingly.

Militia Bill read 2nd time and committed.

Pursuant to the order of the day, the Militia Bill was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Robinson in the chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again on Monday next.

The Report was received, and leave granted accordingly.

The Master in Chancery brought down from the Honourable the Legislative Council a Message, and the Bill entitled—

“*An Act to Incorporate sundry Persons, under the style and title of the Windsor Road Company,*” Message from Legislative Council.
Windsor Rail Road Bill sent down amended.

To which that Honourable House had made some amendments, and requested the concurrence of this House thereto.

The Message was read by the Speaker, as follows:—

MR. SPEAKER,

The Legislative Council has passed the Bill sent up from the Commons House of Assembly, entitled “*An Act to incorporate sundry persons under the style and title of the Grantham Navigation Company, and for other purposes therein mentioned*”—without any amendment. Grantham Navigation Bill passed Legislative Council.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Third day of February, 1838. }

The amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, entitled—

“*An Act to Incorporate sundry Persons under the style and title of the Windsor Road Company,*” Amendments to Windsor Rail-road Bill read first time.

Were read the first time, as follows:—

Press 8, line 15—After “first” expunge “day of June,” and insert “Monday in February.” Amendments.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Third day of February, 1838. }

Ordered—That the amendments be read a second time on Monday next. 2nd reading Monday.

Mr. Cameron, from the Select Committee to which was referred the Petition of R. E. Vidal and others, informed the House that the Committee had agreed to report by Bill, a draft of which he was ready to submit whenever the House was pleased to receive the same. Select Com. on petition of R. E. Vidal and others report bill to macadamize Sarnia and Plympton Road.

The Report was received, and the Bill was read the first time. Bill read first time.

Ordered—That the bill to turnpike the road from Sarnia to Plympton be read a second time on Monday next. 2nd reading Monday.

Adjourned.

Monday, 5th February, 1838.

The House met.

The minutes of Saturday were read.

The following Petitions were severally brought up, and laid on the table:— Petitions brought up:

By Captain Dunlop, the petition of David Hood Ritchie, and one hundred and eighty-four others, of the Village of Bayfield, District of London: and the petition of David Ford, of the Township of West Oxford, District of London. D. H. Ritchie and 184 others.
David Ford.

And by Mr. Solicitor-General, the petition of William Burrows, of the City of Toronto. William Burrows.

Pursuant to the order of the day, the Address to Her Majesty, praying for a grant of lands to the volunteers and militia who served during the late rebellion, was read the third time. Address for grant of lands to volunteers and militia read third time.

Bill to amend the law respecting Hilary Term read third time.

Pursuant to the order of the day, the bill to repeal so much of the Act for increasing the number of Judges as relates to Hilary Term, was read the third time.

On the question for passing the bill,

Amendment moved.

In amendment, Mr. Murney, seconded by Mr. Manahan, moves that the bill do not now pass, but that it be amended by striking out the words "next Easter Term," in the second line of the second clause, and inserting the words "after the passing of this Act."

Carried.

Which was carried.

Petitions read :

Pursuant to the order of the day, the following petitions were read :—

S. Frayr and 6 others.

Of Simon Frayr and six others of the District of Prince Edward, praying the House not to establish a town line between Sophiasburg and Hillier, till certain law suits respecting the same are settled.

Lt. Harper and 19 others.

Of Lieutenant Harper, R. N. and nineteen others, British Seamen, of Kingston, praying that none but British subjects may be employed in any British Vessels which navigate the Canadian Lakes and Rivers.

J. Swetman.

Of Joseph Swetman, Light House Keeper, False Ducks Island, praying that the Act granting him an annual salary of £100 may be continued.

C. Smith and 97 others.

And of Christopher Smith and ninety-seven others of the Counties of Lincoln and Haldimand, praying for a grant of £12,500 to macadamize the Road leading from Fort Erie to Dover.

On motion of Captain Dunlop, seconded by Mr. Prince,

Petition of Lieu't Harper and others referred.

Ordered—That the petition of Lieutenant James Harper, and others, British Seamen, of Kingston, be referred to a Select Committee, consisting of Messrs. Marks and Cartwright, with power to report by bill or otherwise.

NOTICES :

Of motion for Committee of Supply to grant Sword to Colonel Radcliffe.

Mr. Prince gives notice that he will, on to-morrow, move that this House do resolve itself into a Committee of the whole on Supply, for the purpose of granting to Her Majesty a sum of money wherewith to cause to be presented to Thomas Radcliff, a Colonel in the Militia Forces, commanding the Western District Frontier of this Province, a sword, as an acknowledgment for his zeal and ability in defending the said Frontier, and for the courage displayed by him at the capture of the piratical Schooner "Anne," of Detroit, where he commanded in person.

Of Bill to reimburse moneys expended in Her Majesty's service during the rebellion.

Mr. Prince gives notice that he will, on to-morrow, move for leave to bring in a bill to repay and reimburse all moneys advanced or expended by any person or persons for the use and service of Her Majesty's Militia and other forces during the late rebellion and invasion of this Province; and also to provide for the payment of all past and current expenses incurred in putting down the said rebellion, and in defending this Province against invasion.

Of motion for Address to Her Majesty on invasion by Americans.

Mr. Prince gives notice that he will, on to-morrow, move that this House do resolve itself into a committee of the whole, for the purpose of addressing Her Most Gracious Majesty, on the subject of the invasion of this Province by citizens of the United States of America, and to beseech Her Majesty to demand from the Government of that country an indemnification for all the expenses of defending the Frontiers of this Province from such invasion.

Of Bill to enable Mr. Prince to act as Barrister and Attorney.

Mr. Sherwood gives notice that he will, on to-morrow, move for leave to bring in a Bill to authorise John Prince, Esquire, M. P., to practise as a Barrister and Attorney in all the Courts of Law and Equity in this Province.

Of motion for vote of thanks to Col. Radcliffe and his officers and men for capturing the "Anne."

Mr. Gowan gives notice that he will, on to-morrow, move that the thanks of this House be presented to Colonel Radcliffe, and the Officers and Men under his command, for the skilful and meritorious manner in which they have defended the Western Frontier of this Province; and more especially

for their coolness and intrepidity in their attack and conquest of the Schooner "Anne," when up to their arms in water, and under a most galling fire.

Mr. Speaker reported that he had received a communication from the Clerk of the Crown in Chancery, which was read by the Clerk, as follows :

Speaker reports communication from C. C. Chancery.

CLERK OF THE CROWN IN CHANCERY'S OFFICE,
Toronto, 5th February, 1838.

The Clerk of the Crown in Chancery has the honour to report, for the information of the Honourable the House of Assembly, that John William Gamble, Esquire, has been duly elected a Member to serve in the present Parliament, in the room of David Gibson, Esquire.

Letter from C. C. Chancery, announcing return of J. W. Gamble, Esq. as member in room of D. Gibson, Esq.

SAML. P. JARVIS,
C. C. Chancery.

To the Hon'ble THE SPEAKER of the
Commons House of Assembly.

Mr. Robinson, seconded by Mr. Solicitor-General, moves, that an humble Address be presented to His Excellency, requesting he will be pleased to inform this House what arrangements have been made for the payment of the Militiamen, Teamsters, and others, who have been, and still are, on duty in various parts of the Province,—and also accounts for supplies and necessaries furnished ; and why any delay has taken place in satisfying those already entitled to be paid for services rendered during the present emergency ;—and that the 31st Rule of this House be dispensed with so far as relates to the same ;—and that Messrs. Chisholm of *Halton*, and Boulton, be a Committee to draft and report the same.

Address for information on payment of militiamen &c., ordered.

Which was carried, and ordered.

Mr. Boulton, from the Committee to draft and report an Address founded on the above Resolution, reported a draft, which was received and read twice, and referred to a committee of the whole House.

Address reported, read twice, and committed.

Mr. Detlor in the Chair.

The House resumed.

The chairman reported that the Committee had agreed to the Address without amendment.

Reported without amendment.

The Report was received, and the Address was ordered to be engrossed and read a third time this day.

3rd reading to-day.

Pursuant to the order of the day, the Bill to repeal so much of the Act for increasing the number of Judges as respects Hilary Term, as amended, was read the third time and passed.

Bill to amend the law respecting Hilary Term read 3rd time and passed.

Mr. Murney, seconded by Mr. Morris, moves, that the Bill be entitled, "*An Act to amend so much of an Act passed in the Seventh Year of His late Majesty's Reign, entitled 'An Act to increase the present number of the Judges of His Majesty's Court of King's Bench in this Province,—to alter the Terms for the sitting of the said Court, and for other purposes therein mentioned'—as relates to Hilary Term.*"

Title.

Which was carried, and Messrs. Murney and Morris were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Mr. Boulton, from the Committee to draft and report a bill pursuant to the resolution granting a retired allowance to Col. Coffin, reported a draft, which was received and read the first time.

Committee to draft Bill granting retired allowance to Col. Coffin, report draft. Bill read 1st time.

Ordered—That the Bill granting a retired allowance to Colonel Coffin be read a second time to-morrow.

2nd reading to-morrow.

Mr. Gowan, from the Select Committee to which was referred the petition of Philip de Grassi, presented a report, which was received and read as follows :—

Select Com. on petition of P. D. Grassi, present report.

To the Honourable the Commons House of Assembly.

Report.

The Committee to whom was referred the petition of Philip de Grassi, of the Township of York, beg leave to report: That it appears to Your Committee that the said Philip de Grassi expended the sum of £35 in cutting down a steep precipice called Thorn's Hill, on the third Concession Line from the Bay, in the Township of York, which road was surveyed by Mr. Gibson, and approved by the Magistrates of the Home District, in General Quarter Sessions assembled.

That it does not appear to Your Committee that the said Philip de Grassi was compensated for the said outlay of money for the public benefit.

Your Committee therefore recommend that the said Philip de Grassi be allowed the sum of £35 out of the money granted for roads and bridges in the Home District, and unappropriated, and that the said sum of £35 be in full discharge and consideration of all claims which may be made by the said Philip de Grassi, for the making and repairing the said road.

All of which is most respectfully submitted.

OGLE R. GOWAN,

Chairman.

Committee Room, House of Assembly, }
5th February, 1838.

Address to Her Majesty to assent to Erie and Ontario bank bill, ordered.

Pursuant to notice, Mr. Rykert, seconded by Mr. Aikman, moves that an humble Address be sent to Her Majesty, praying that Her Majesty will be graciously pleased to assent to the bill which passed the first Session of this Parliament, and reserved for the signification of Her Majesty's pleasure, entitled,

"An Act to incorporate sundry persons under the style and title of the President, Directors, and Company, of the Erie and Ontario Bank of the Niagara District,"

And that Messrs. Merritt, and Chisholm of Halton, be a Committee to draft and report the same.

Which was carried and ordered.

Darlington Harbor extension bill again committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the bill to extend the limits of Darlington Harbour.

Mr. Morris in the chair.

The House resumed.

Committee rises.

The Chairman reported that the Committee had risen.

On receiving report,

On the question for receiving the Report, the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—21.

Messieurs Aikman, Armstrong, Bockus, Burwell, Cameron, Chisholm of Halton, Chisholm of Glengarry, Cook, Dellar, Duncombe, McCrae, McIntosh, McLean, Morris, Parke, Robinson, Rykert, Shaver, Thomson, Thorburn, Woodruff—21.

N A Y S.

Nays—5.

Messieurs Boulton, Manahan, McDonell of Stormont, McKay, Ruttan—5.

Carried, majority 16.

The question was carried in the affirmative by a majority of sixteen, and the report was received.

Order of day for 2nd reading of Sarnia and Plympton road bill discharged, and com. of Supply on that subject for to-morrow ordered.

Mr. Cameron, seconded by Mr. Bockus, moves that the order for the second reading of the Bill for the construction of a Turnpike Road in the County of Kent be struck off the order of the day, and that this House do, on tomorrow, resolve itself into a Committee of Supply to grant to Her Majesty a sum of money to enable Her Majesty to place a like sum in the hands of Trustees for the purpose of constructing a Turnpike Road through the Townships of Sarnia, Plympton, and Warwick.

Which was carried and ordered.

Address for information on payment of militiamen, read 3rd time and passed, nem. con.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant-Governor, praying for certain information respecting the payment of Militiamen, &c., was read the third time and passed, *nem. con.*, and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY,—

We, Her Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to inform this House what arrangements have been made for the payment of the Militiamen, Teamsters, and others, who have been, and still are, on duty in various parts of the Province,—as well as the payment of claims for supplies and necessaries furnished on account of the public service;—and also, that your Excellency will be pleased to inform this House why any delay has taken place in satisfying those already entitled to be paid for services rendered during the present emergency.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly, }
Fifth day of February, 1838. }

P R E S E N T.

Messieurs Aikman, Armstrong, Bockus, Boulton, Burwell, Cameron, Chisholm of Halton, Chisholm of Glengarry, Cook, Deltor, Duncombe, Dunlop, Gowan, Manahan, Marks, McCrae, McDonell of Stormont, McIntosh, McLean, Murney, Morris, Parke, Robinson, Ruttan, Rykert, Shaver, Solicitor-General, Thomson, Thorburn, Woodruff.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to regulate Common Schools. Common Schools regulation bill again committed.

Mr. Cameron in the chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House. Reported amended.

The Report was received.

Ordered—That the bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

John William Gamble, Esquire, Member for the First Riding of the County of York, was introduced by Messrs. Thomson and Robinson, and conducted to his seat. John W. Gamble, Esq'r, M. P. P. for 1st riding of York, takes his seat.

Mr. Murney, from the Committee to draft and report an Address to His Excellency the Lieutenant Governor, praying for further information respecting the aid to the Upper Canada Academy, reported a draft, which was received and read twice, and ordered to be engrossed and read a third time this day. Committee to report Address for further documents on U. C. Academy, report draft.

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

Mr. Robinson in the chair.

The House resumed.

The Chairman reported that the Committee had made some further progress in the Bill, and asked leave to sit again to-morrow. Progress reported.

The Report was received, and leave granted accordingly.

Mr. Secretary Joseph brought down from His Excellency the Lieutenant Governor, several Messages and Documents. Messages from the Lieutenant Governor.

The Messages were read by the Speaker, as follows:—

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly, in compliance with the Address of the House of the 19th of January, copies of the Despatches that have been received from the Imperial Government relating to the establishment of Rectories in this Province, and of other communications bearing upon that subject, and the disposal or appropriation of the Clergy Reserves. Message with Despatches on Rectories.

Government House, }
5th February, 1838. }

F. B. HEAD.

Message with Despatches and other documents on affairs of Thos. Wilson & Co.

The Lieutenant Governor transmits to the House of Assembly, copies of two Despatches to the Right Honorable the Secretary of State for the Colonies, dated respectively the 23rd and 29th of April last, on the subject of the balances then due this Province from certain Mercantile Houses in London;—also copies of three Despatches received by him from the Right Honorable the Secretary of State, bearing date respectively the 6th and 14th days of June, and the 22nd day of July last, on the same subject;—also a copy of a Despatch received by the Lieutenant Governor, dated the 4th day of August last, with a copy of a letter addressed by the Receiver General to James Stephen, Esquire, under Secretary of State, with a copy of a certain Indenture, bearing date 27th July last, being an assignment from the Receiver General of the balance owed this Province by the firm of Thomas Wilson & Company to the firm of Glynn, Halifax, Mills, & Company, for certain purposes and trusts expressed in the said Instrument;—also copies of letters and other documents, numbered from 1 to 12, inclusive, furnished by the Receiver General to the Lieutenant Governor, and a schedule thereof, herewith transmitted;—also a copy of a letter from the Receiver General, with a copy of a letter addressed by that officer to Messrs. Baring, Brothers, & Company, with the reply of that firm, on the subject of the negotiation of Provincial Loans.

The Lieutenant Governor requests the attention of the House of Assembly to the Provincial Statute 5th William 4th, ch. 31, and to the Report of the Receiver General respecting the negotiation of a loan under the above Act already in the possession of the House.

On reports becoming current in this Province during the past summer of the danger to English Mercantile Houses arising from the derangement of monetary affairs in the United States, the attention of the Lieutenant Governor was called to the subject of the balances in the hands of London Houses due to this Province, and the danger of the Bills of Exchange drawn on account of these balances returning to the Province under protest.

The Lieutenant Governor, in referring to the Report of the Receiver General, above mentioned, and particularly to the receipts, stating the terms of the loan, felt extremely apprehensive that from the nature of the negotiation the debentures in the hands of the London Houses, or the proceeds of them, must become involved in the affairs of these Houses, should they unfortunately become bankrupt, or be forced to suspend payment.

To avert calamities so destructive to the credit and prosperity of this Province, the Lieutenant Governor directed the Honorable William Henry Draper to proceed to London, for the purpose of entreating the assistance of Her Majesty's Government, and of procuring certain funds invested in England belonging to the Province, to be transferred to Provincial securities, and also for the purpose of protecting the Province against ultimate loss, by the adoption of such legal proceedings as might be approved of by the Government.

The documents now laid before the House of Assembly will explain in what manner the affairs on which Mr. Draper proceeded to England were concluded without his interference.

The Lieutenant Governor is induced strongly to hope, that as immediate inconvenience was avoided by the course taken by the Receiver General, it will also be found unproductive of future loss, or risk of loss, to the Province. If no better or more certain settlement than the one adopted could have been obtained, the Receiver General's proceeding to England may be considered fortunate, as Mr. Draper was not authorised to make, nor did the Lieutenant Governor feel himself at liberty to direct, an arrangement such as the one concluded by the Receiver General.

The Lieutenant Governor has carefully abstained from any interference with the agreement and assignment made by the Receiver General, or their results; and these matters are now submitted to the House of Assembly, unembarrassed by either recognition or disapproval on the part of the Provincial Government.

Government House, }
5th February, 1838. }

F. B. HEAD.

Message with further documents respecting the aid to the U. C. Academy.

The Lieutenant Governor transmits, for the further information of the House of Assembly, with reference to his message of the 27th ultimo, relative to the Cobourg Academy, the accompanying copy of a letter since received from the Reverend Egerton Ryerson on that subject, and of the reply made to it by my direction.

Government House, }
5th February, 1838. }

F. B. HEAD.

Message with copy of communication from Lieut. Gov. to H. M. Minister at Washington, respecting aggressions of American citizens.

The Lieutenant Governor transmits, for the further information of the House of Assembly, with reference to his late Message on the subject of the hostile movements and aggressions of citizens of the United States against this Province, a copy of a communication and its enclosures, which he has since addressed to Her Majesty's Representative at Washington.

Government House, }
5th February, 1838. }

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly, in compliance with the Address of the House of the 26th of January, the accompanying copy of a correspondence which has taken place between Mr. Prince, a Magistrate of the Western District, Colonel Radcliffe, commanding the Militia Force at Amherstburgh, and the Authorities in the State of Michigan, relative to the capture of the piratical schooner "Anne," and the hostile movements and aggressions of citizens of that country against Her Majesty's peaceable subjects in the said District.

Message with correspondence on capture of the piratical schooner "Anne."

Government House, }
5th February, 1838. }

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly a copy of a letter which has been received from the Deputy Postmaster-General at Quebec, accompanied by an Account of the gross and net produce of the Post Office Revenue of Upper and Lower Canada for the year ending the 5th of July, 1837.

Message with account of Post Office Revenue in U. & L. Canada.

Government House, }
5th February, 1838. }

The Documents are as follows:—

Despatches relating to Endowments and Rectories.

[Copy.]

DOWNING STREET,
2nd April, 1818.

SIR,

The Bishop of Quebec has frequently brought under my consideration the advantages which would result to the interests of the Church of England in the Province, under your government, from the legal establishment of Parishes and Rectories, in conformity with the provision contained in the 31st Geo. 3rd, Cap. 31.

Despatch relating to Endowments and Rectories.

As I entirely concur with His Lordship, in the propriety of adopting a measure calculated to give to the Protestant Church in the Canadas the support which it was in the contemplation of the Parliament of this country to afford to it, I have not failed to submit his Lordship's representation to the Prince Regent, and I have received his Royal Highness's commands to instruct you to take the necessary legal measures for constituting and erecting Rectories and Parishes in every Township within the Province under your Government, and you will also take care that it be distinctly understood that the constitution of Parishes and Rectories can give no claim whatever to any Incumbent to receive Tithes of the land within the limits of his parish,—all claim of that nature having been effectually annulled by the provision for the support of a Protestant Clergy made in the 31st of the King, and by the declaratory Law passed by the Legislature of the Province in 1816.

The endowment of the several Rectories, with due portions of the Clergy Reserves, will be necessarily a matter of future consideration; and, until the more general settlement and cultivation of the Province shall have taken place, I consider it advisable that the management of the several Reserves should, as is the case in the Lower Province, be vested in a corporate body, or continue, as at present, under the control of the Lieutenant Governor and Executive Council.

I have the honour to be,

Sir,

Your most obedient humble Servant,

(Signed) BATHURST.

Mr. PRESIDENT SMITH,
&c. &c. &c.

A true Copy.

J. JOSEPH.

[Copy.]

DOWNING STREET,
22nd July, 1825.

SIR,

I have received His Majesty's commands to direct that you do, from time to time, with the advice of the Executive Council for the affairs of the Province of Upper Canada, constitute and erect within every Township or Parish, which now is or hereafter may be formed, constituted or erected within the said Province, one or more Parsonage or Rectory, or Parsonages or Rectories, according to the establishment of the Church of England, and that you do from time to time, by an instrument under the Great Seal of the said Province, endow every such Parsonage or Rectory with so much or such parts of the Land so allotted and appropriated as aforesaid, in respect of any Lands within such Township or Parish which shall have been granted subsequently to the commencement of a certain Act of the Parliament of Great Britain, passed in the Thirty-first year of

Despatches relating to
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the Reign of His late Majesty King George the Third, entitled "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America'—and to make further provision for the government of the said Province"—or of such Lands as may have been allotted and appropriated for the same purpose, by or in virtue of any instruction which may have been given by His said late Majesty before the commencement of the said Act, as you shall, with the advice of the said Executive Council, judge to be expedient under the existing circumstances of such Township or Parish.

You shall also present to every such Parsonage or Rectory an Incumbent or Minister of the Church of England, who shall have been duly ordained, according to the rites of the said Church, and supply, from time to time, such vacancies as may happen therein.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed)

BATHURST.

Major Gen. Sir P. MAITLAND,
K. C. B.

A true copy.

J. JOSEPH.

[Copy.]

DOWNING STREET,

7th September, 1825.

SIR,

I have the honour to enclose herewith, a Copy of a Communication from the Society ^{15th July, 1825.} for the Propagation of the Gospel, and I have to request that you will report for my information what steps have been hitherto taken, under the provisions of the Act 31, Geo. 3, Chap. 31, for the erection and endowment, with a part of the Clergy Reserves, of Rectories or Parsonages within the Townships which have been formed in the Province under your Government, and you will also report how far it appears to you to be practicable and expedient to act upon the suggestions of the Society for the propagation of the Gospel.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed)

BATHURST.

Major Gen. Sir PEREGRINE MAITLAND,
K. C. B.

A true Copy.

J. JOSEPH.

[Copy.]

SAINT MARTIN'S LIBRARY,

15th July, 1825.

Society for the Propagation of the Gospel in Foreign Parts.

Agreed that an application be made to Earl Bathurst, requesting that His Lordship would be pleased to give instructions to the Governor and Lieutenant Governor of the Canadian Provinces, for the endowment of such Parishes as have already been erected in conformity with the provisions of 31st Geo. 3rd, with a portion of the Clergy Reserves, and for the erection and endowment of others wherever practicable, in conformity with the same clauses.

A true Copy.

J. JOSEPH.

[Copy.]

DOWNING STREET,

11th June, 1826.

SIR,

I have laid before the King the Address of the Legislative Assembly of Upper Canada, praying that His Majesty would be graciously pleased to submit to Parliament the propriety of repealing so much of the Act 6 Geo. 4th, c. as permits the appropriation of Lands in lieu of the Clergy Reserves.

I have received His Majesty's commands to acquaint you, that he is persuaded the House of Assembly would never have concurred in this Address, if they had been apprised of the true intent of the Act of Parliament referred to, which had not for its object any increase of the amount of the Reserves specially allotted by the Imperial Parliament for the Established Church.

I have the honour to be,

Sir,

Your most obedient humble Servant,

(Signed)

BATHURST.

MAJOR GENERAL SIR P. MAITLAND,
K. C. B.

A true Copy.

J. JOSEPH.

No. 43. [Copy.]

Despatches relating to Endowments of Rectories.

DOWNING STREET,
London, 1st October, 1831.

SIR,

I have the honour to transmit to you herewith a copy of a correspondence which has passed between this Department and the Board of Treasury, relative to the disposal of the sums arising from the sale of Clergy Reserves in Upper and Lower Canada, from which you will perceive that the necessary directions have been given for investing in the public funds the proceeds of the sales of these Reserves jointly, in the names of Mr. Hay, one of my under Secretaries of State, and the Honorable James Stewart, Assistant Secretary to the Board of Treasury; and that Mr. Sargent, of the Commissariat Department, has been directed to retain in his hands the dividends arising from the stock so invested, for the purpose of meeting the bills which may be drawn upon the Board of Treasury by yourself or the Governor of the Lower Province.

You will, of course, understand that the sums so drawn must be exclusively set apart for the special objects for which the Reserves were originally destined; and that you will from time to time receive instructions as to the appropriation of the funds which may be at your disposal for the use of the Church of Upper Canada.

I have, &c.
(Signed) GODERICH.

MAJOR GENERAL SIR JOHN COLBORNE,
&c. &c. &c.

A true copy.

J. JOSEPH.

[Copy.]

TREASURY CHAMBERS,
17th August, 1831.

SIR,

I am commanded by the Lords Commissioners of H. M. Treasury to transmit to you for the information of Viscount Goderich, the enclosed copy of their Lordships' Minute of the 9th instant, relative to the sums arising from the sale of Clergy Reserves in Lower Canada.

I am, &c.
(Signed) R. W. HAY.

A true Copy.

J. JOSEPH.

[Copy.]

TREASURY MINUTE, DATED 9th AUGUST, 1831.

Read letter from Mr. Hay, dated 28th June, 1831, transmitting by direction of Viscount Goderich copy of a Despatch from Lieutenant General Lord Aylmer, enclosing returns of the sales of Clergy Reserves in Lower Canada, from 1st July, 1829, to 31st December, 1830,—the proceeds of which, as they accrue, are paid into the Military Chest by the Commissioner of Crown Lands,—and requesting my Lords will give such instructions as may be necessary for investing the amount in the public funds, according to the arrangements approved by my Lords' letter of 26th March last.

Read letter from C. G. Routh, dated Quebec, 7th May, 1831, reporting that the sum of 2,800 dollars, equal, at the Army sterling of 4s. 4d. per dollar, to £606 13s. 4d., has been paid into the Military Chest, under date of 4th May, on account of the sales of Clergy Reserves in Lower Canada.

Read also letter from Mr. Routh, dated 27th May last, reporting the receipt of 32,000 dollars into the Military Chest at York, on 25th April last, from the Commissioner for the sale of the Clergy Reserves.

My Lords read again the Acts 7th and 8th, Geo. IV. cap. 62, directing the proceeds of the sales of Clergy Reserves in the Canadas to be invested in the public funds.

It appears that the sums already paid into the Military Chest in Canada upon the above accounts, as reported by Commissary General Routh, amount, at the current rates of Exchange quoted by him, to the sum of £7,241 5s.—Viz.

Upper Canada,	£6,666 13 4
Lower Canada,	574 11 8

My Lords are therefore pleased to direct Mr. Sargent to cause the above sums to be invested separately in the Three per Cent Consolidated Annuities, in their Lordships' names, issuing the said sum of £7,241 5s. to Mr. Sargent out of Army Extraordinaries to enable him to make the said investments.

My Lords will also execute a Power of Attorney, appointing Mr. Stewart to receive the dividends upon the said Stock from time to time as they may become due; and they are pleased to direct Mr. Stewart to pay over the amount of all such dividends, when received by him, to Mr. Sargent, who will invest the same in Stock as he may be directed by this Board.

A true Copy.

J. JOSEPH.

Despatches relating to
Endowments of
Rectories.

[Copy.]

DOWNING STREET,
23rd August, 1831.

SIR,

I have laid before Viscount Goderich your letter of the 17th instant, transmitting for his Lordship's information, by command of the Lords Commissioners of the Treasury, a copy of their Lordships' minute of the 9th instant, relative to the sums arising from the sale of Clergy Reserves in Upper and Lower Canada.

Lord Goderich directs me to acquaint you that he concurs with the instructions which their Lordships have given for the investing in the three per cent consolidated annuities the sum of £7,241 5 0, viz:

For Upper Canada,	£6,666 13 4
“ Lower Canada,	574 11 8

On reference, however, to the act of Parliament, 7 and 8 Geo. 4, c. 62, their Lordships will perceive “that the dividends and interests accruing from such public funds, so to be purchased, shall be appropriated, applied, and disposed of for the purposes for which the said lands were so reserved as aforesaid, and for no other purpose whatsoever.”

Lord Goderich is, therefore, of opinion that it would not be proper to invest the amount of the dividends in stock, but that the Agent for Commissariat Supplies should receive the interest, keeping a separate account of the stock and dividends belonging to the Clergy of Upper and Lower Canada, in order that the Governors of those Provinces may draw on their Lordships for the amount of interest due to each Province,—the Secretary of State being acquainted from time to time of the purchases of stock which have been made to enable him to give the necessary instructions for the guidance of the Governor of Lower Canada, and the Lieutenant Governor of Upper Canada on this subject.

The Hon. J. K. STEWART.

I am, &c.,

(Signed)

R. W. HAY.

A true Copy.

J. JOSEPH.

[Copy.]

TREASURY CHAMBERS,
17th September, 1831.

SIR,

The Lords Commissioners of H. M. Treasury having had under their consideration your letter of the 23rd ultimo, relative to the sums arising from the sale of Clergy Reserves in Upper and Lower Canada, I am commanded to acquaint you, for the information of Viscount Goderich, that upon reference to the Act 7th and 8th Geo. 4th, cap. 62, my Lords concur in opinion with his Lordship that the dividends in question ought not to be invested in stock; and they have therefore directed Mr. Sargent of this Office to retain the same in his hands for the purpose of meeting the bills which may be drawn on this Board from Canada as suggested in your said letter. My Lords have also, upon further consideration, directed that the stock to be purchased with the proceeds of the sales of Clergy Reserves in Canada shall be invested jointly in your name, as Under-Secretary of State, and in my name as Assistant Secretary to this Board; and we are authorised by their Lordships to execute a power of Attorney, appointing Mr. Sargent to receive the dividends thereon.

R. W. HAY, Esq. &c. &c. &c.

I am, &c.,
(Signed)

J. STEWART.

A true copy.

J. JOSEPH.

918, Canada.

[Copy.]

DOWNING STREET,
5th April, 1832.

SIR,

In my Despatch, No. 57, of the 21st Nov. 1831, I authorised you to apply in the year 1832, towards the maintenance of the Bishop and other Ministers of the Church of England in Upper Canada, £5,000 out of the Casual and Territorial Revenue of that Province, and I estimated that the resources available to the same object from Provincial funds by law applicable to it would amount to about £1,000, making in the whole a sum of £6,000. I directed you at the same time to divide this sum into three parts, whereof one amounting to £1,500 was to be paid to the Bishop; another amounting to nearly £1,000 to the two Archdeacons of York and Kingston; and the third of £3,500 in aid of those payments which the Society for the propagation of the Gospel in foreign parts is in the habit of making to the Ministers of the Church of England who are denominated Missionaries.

You have since been informed by me in my Despatch, No. 62, of the 30th March last, that H. M. Government have determined to call on Parliament to vote, during the life of the Bishop, the whole of his income. The charge therefore for the maintenance of the Clergy for the year 1832 will be reduced from £6,000 to £4,500. I have since learned from your private letter of

February 16th, that the resources derivable from the funds set apart for this object will considerably exceed the amount at which, judging from the information in my possession, I had ventured to rate them. It now appears that the interest on the instalments to be paid in 1832 on reserves antecedently purchased will amount to £1,200, and that the net produce of the rents of Clergy lands leased will not be less than £2,300. To these two sums will be to be added the interests on the purchase money of these reserves vested in our funds, which will amount to about £300.

The total of these items will be £3,800, instead of £1,000, at which I had estimated them; and if to this total there be added from the Casual and Territorial Revenue £1,000, making in the whole £4,800, there will be abundant means of meeting all the demands for salaries including the two Archdeacons, for which I had intended to provide. A question therefore naturally arises as to the most advantageous mode of disposing of the £4,000 to be taken out of the Casual and Territorial Revenue, which had been destined to this particular service, and which will no longer be required for that purpose. I have considered with great attention the observations contained in your private letter of February 16th, and the propositions which result from them, and I am happy to find that your practical views, founded on personal knowledge and experience, are so coincident with those which, on a more speculative view, I had been led to entertain.

I quite concur with you in thinking that the greatest benefit to the Church of England would be derived from applying a portion at least of the funds under the control of the Executive Government in the building of Rectories and Churches, and, I would add, in preparing, as far as may be, for profitable occupation that moderate portion of land which you propose to assign, in each Township or Parish, for increasing the future comfort, if not the complete maintenance, of the Rectors.

With this view it appears to me that it would be most desirable to make a beginning in this salutary work, by assigning to it a portion at least of the £4,000, to which I have before alluded as being no longer required during the present year—at all events, for the payment of clerical salaries. I say a portion of this sum; because I am led to think that it would be expedient, with a view to prevent jealousy and attempts at interference with this territorial fund, to permit some part of it to be disposed of for religious objects generally, without reference to the particular modes of belief which certain classes of the community may entertain.

Some of it might, for instance, be applied to churches for the Presbyterians; some for Roman Catholic Chapels; and some for the Methodists—particularly that portion of them who may be in communion with the Wesleyan Methodists of this country. It is obviously impossible to think of aiding every subdivision of religionists, whose varieties are too indefinite to enumerate; and I feel that, even with respect to those classes to which I have alluded, I cannot well undertake to prescribe to you from hence the exact proportion of assistance which it might be fit to grant to each. £4,000 in the whole will be disposable; and I willingly leave it to your discretion to decide as to the proportionate distribution of that sum.

I am well aware, that, in the execution of this duty, you will have to steer a difficult course, and that it will require no small tact to determine by what practical means these important objects can best be attained. The diffusion of religious feelings and motives of conduct is the great point to be aimed at; and His Majesty's Government must naturally feel anxious that these should be as extensively as possible in unison with the Established Church of this Country: But it cannot be forgotten that the condition of society in such a country as Upper Canada presents difficulties in the pursuit of this object which are very serious,—and that a state of religious peace is, above all things, essential in establishing, in the minds of the people, the efficacy of religious principles.

Whilst, therefore, I admit, without reserve, my own extreme anxiety for the widest extension of the Church of England in Upper Canada, I feel it to be scarcely less important earnestly to urge the inexpediency of seeking to promote that great object by aiming at the exclusion or repression of other Churches. I communicate to you these sentiments on the part of the King's Government with an entire reliance on your judgment and coincidence of views; and the present temper of the majority of the House of Assembly, together with the increasing prosperity and general tranquillity of the Province, encourage me to entertain a sanguine hope that the present opportunity, if wisely and judiciously used, may lead to the most important and beneficial results.

On a point so important as the distribution of the £4,000 referred to in this Despatch, I should wish no actual step to be taken until I shall have had an opportunity of considering any suggestions which you may have to offer on the subject, which I trust I may receive at as early a period as may be convenient for you to favour me with them.

I have, &c.,
(Signed) GODERICH.

Sir J. COLBORNE,
&c. &c. &c.

[Copy.]

No. 92.

DOWNING STREET,
31st August, 1836.

STR,

Among the Documents appended to the Report of the Committee of the House of Assembly of Upper Canada, to whom was referred your correspondence with your late Executive Council, is a schedule of the Patents for Land granted as endowments to the Church of England in that Province, and a Return of Property ceded by certain parties in exchange for endowments.—The incomplete manner in which these Returns are drawn up, renders it impossible to discover

Despatches relating to
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the date of the greater portion of the transactions to which they refer; but it would appear from the heading of one of the Returns that several Rectories have been endowed during the current year, although I presume, before your assumption of the Government of Upper Canada. As this is a subject of considerable importance, and as it has attracted the notice of the public, both in this country and in the Province, I have to request that you will supply me with an explanation of the Returns to which I have alluded, specifying the dates at which the several endowments were conceded, and, as far as possible, the grounds of the respective Grants.

I need not, I am sure, point out to you that, pending the settlement of the Clergy Reserve question, it is indispensable that no further allotment of Church lands should take place without the express sanction of H. M. Government.

I have the honour to be, &c.,

(Signed)

GLENELG.

Lieutenant Governor Sir FRANCIS B. HEAD,
K. C. H. &c. &c. &c.

A true copy.

(Signed)

J. JOSEPH.

[Copy.]

No. 118.

DOWNING STREET,
19th December, 1836.

SIR,

I have had the honour to lay at the foot of the Throne the Address to His Majesty from the Synod of the Presbyterian Church in Canada, which accompanies your Despatch of the 19th October, No. 83, and His Majesty was pleased to receive this Address very graciously.

On the complaint of the petitioners respecting the recent erection of a considerable number of Rectories within the Province, it has not been in my power to submit any advice to His Majesty. No report on the subject having been received from Sir John Colborne, and the information respecting it called for by my Despatch, of 31st August last, not having yet reached me, I have been unable to bring the question in any satisfactory manner under His Majesty's notice; nor can His Majesty, for this reason, form any opinion at present how far the complaint is well grounded.

With reference to the claim of the Scotch Church to participate equally with the Church of England in the benefit of the Clergy Reserves, I can only express my hope that, as the question of the Clergy Reserves has again been brought under the notice of the Legislature in your Speech at the opening of the Session, and as the Council and Assembly, in their replies, have pledged themselves to devote to it their serious attention, the present Session will not pass away without the enactment of some bill for settling on a liberal and comprehensive basis, this important question. His Majesty's Government would be most anxious to co-operate with the Provincial Legislature in any measure having this subject in view, and which should extend not only to the Church of Scotland, but to the other large communities of Christians within the Province, an assistance proportioned to their growing wants and demands.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed)

GLENELG.

A true copy.

J. JOSEPH.

[Copy.]

DOWNING STREET,
12th April, 1837.

SIR,

The Statute 31 Geo. III. Chap. 31. Sec. 38. enables His Majesty to authorise the respective Governors of Lower Canada, and Upper Canada, with the advice of the Executive Council, to constitute within each township or parish, a Parsonage or Rectory according to the establishment of the Church of England, and to endow every such Parsonage or Rectory with so much of the Clergy Reserves as the Governor, with the advice of the Council, shall judge to be expedient under the then existing circumstances of such Township or Parish.

The Governor's Commission dated 6th July, 1835, following in this respect the ancient and established form, authorises the Governor, or, in his absence, the Lieutenant Governor, with the advice of the Executive Council, to erect Parsonages in each Township or Parish according to the establishment of the Church of England, and to endow any such Parsonage or Rectory with any part of the Clergy Reserves, subject nevertheless (to quote the precise words of the Commission) to such instructions "touching the premises as shall or may be given you by us under Our Signet and Sign-Manual, or by Our Order in Our Privy Council, or through any of Our Principal Secretaries of State."

Thus the authority which H. M. was enabled by Parliament to impart to the Governor was in fact so imparted to him, subject to the King's further Instructions.

From the date of the Statute 31st Geo. 3rd until the year 1835, the power of constituting and erecting Parsonages or Rectories was never exercised in Upper Canada, but at the close of that

Despatches relating to Endowments of Rectories.

year it was called into exercise by the then Lieutenant Governor, Sir John Colborne. The intention to adopt this measure was not communicated by Sir John Colborne to His Majesty's Government, nor was the measure itself ever reported by that Officer, having been taken immediately before his resignation of the Government into the hands of his successor, Sir Francis Head.

The total number of Rectories thus established appears to have been Fifty-seven.

Having recently received from Sir Francis Head a Report on the subject enclosing the Minutes of the Executive Council of Upper Canada, of 15th January, 1836,—

I enclose a copy of those Minutes.

You will perceive from them that the Council founded their recommendation of this measure on a Despatch from Lord Goderich, of the 5th April, 1832, from which they quote one passage. That passage, however, is not accurately described. Lord Goderich is represented in the Minute as expressing his desire that a "moderate portion of land should be assigned in each Township or Parish for ensuring the future comfort, if not the complete maintenance of the Rectors." On referring to the Despatch itself, it appears that it expressed His Lordship's opinion, that the greatest benefit to the Church of England would be derived from applying a portion, at least, of the funds under the controul of the Executive Government; "in preparing, as far as may be practicable for profitable occupation, that moderate portion of land which you (Sir John Colborne) propose to assign in each Parish, for increasing the future comfort, if not the complete maintenance of the Rectors."

The distinction between the Earl of Ripon's language and the terms in which it is thus quoted is important. It conveys no signification of His Majesty's pleasure, nor indeed any instruction respecting the erection of Parsonages and Rectories, nor even with regard to the grant of land for the maintenance of the Clergy; the main subject of the passage is the application of certain funds in preparing for profitable occupation certain lands, and those lands are indicated merely by a passing reference to some intention entertained and announced by Sir J. Colborne.

The Records of this Office contain no Despatch from Sir J. Colborne in which any allusion is made to the subject. It may, therefore, be inferred that Sir J. Colborne's intentions were known to Lord Ripon through some private and unofficial channel. The Council, however, appears to have understood Lord Ripon's expressions as such an intimation of the King's pleasure as would justify the erection and endowment of Fifty-seven Rectories.

That the words were not designed by His Lordship to be so understood may, with some confidence, be inferred from the following circumstance.

The Statute 31st Geo. 3, sec. 36 to 40, enables the Provincial Legislature on certain conditions to repeal so much of that Act as relates to the Clergy Reserves on the 21st Nov. 1831; that is, six months before the date of the Despatch to which reference is made by the Executive Government. Lord Ripon addressed to Sir John Colborne a Despatch in which the Provincial Legislature were invited to exercise this power, and he expressly recommended that the repeal should embrace all the clauses in question, amongst which are included those which relate to the erection and endowment of Rectories.

The Despatch of the 5th April, 1832, was marked confidential, and it would seem impossible that Lord Ripon could have designed by such a communication to convey to the Lieutenant Governor the King's sanction for neutralising to a considerable extent the effect of that repeal, which five months before his Lordship had recommended in a public Despatch.

* Not sent as it is in the Province. } I enclose for your perusal copies of the two Despatches
 † Confidential—enclosed, as it may possibly } of the 21st November, 1831,* and of the 5th April, 1832. †
 have been taken away by Sir J. Colborne.

The questions which I would propose for your consideration are the following:

First—Adverting to the terms of the Statute 31st Geo. 3, ch. 31, sec. 36 to 40, and to the terms of the Royal Commission, could the Lieutenant-Governor with the advice of the Executive Council lawfully constitute and erect or endow any Parsonage or Rectory within the Province, without the further signification of His Majesty's pleasure?

Secondly—Can Lord Ripon's Despatch of the 5th April, 1832, be regarded as signifying His Majesty's pleasure for the erection of Parsonages, or for the endowment of them, or for either of those purposes?

Thirdly—Are the erection and endowment of the 57 Rectories by Sir John Colborne valid and lawful acts?

Fourthly—If the preceding questions be answered in the affirmative, have the Rectors of the Parishes so erected and endowed the same ecclesiastical authority within their respective limits, as are vested in the Rector of a Parish in England, or within what other bounds is that authority restricted?

You will have the goodness to consider these questions in consultation with the King's Advocate and Mr. Solicitor General, and report to me your and their joint opinion upon them.

I have, &c.,

(Signed) GLENELG.

The ATTORNEY GENERAL,

&c. &c. &c.

A true copy.

J. JOSEPH.

Despatches relating to
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[Copy.]

DOCTORS COMMONS,
June 8th, 1837.

MY LORD,

We are honoured with Your Lordship's Letter of the 12th of April, stating that the Statute 31, Geo. 3, Ch. 31, Sec. 38, enables His Majesty to authorise the respective Governors of Upper Canada and of Lower Canada, with the advice of the Executive Council, to constitute within each Township or Parish, a Parsonage, or Rectory, according to the Establishment of the Church of England, and to endow every such Parsonage or Rectory with so much of the Clergy Reserves as the Governors, with the advice of the Council, shall judge to be expedient under the then existing circumstances of such Township or Parish.

That the Governor's Commission, dated 6th July, 1835, following in this respect the ancient and established form, authorises the Governor, or in his absence the Lieutenant Governor, with the advice of the Executive Council, to erect Parsonages in each Township or Parish, according to the establishment of the Church of England, and to "endow any such Parsonage or Rectory with any part of the Clergy Reserves; subject, nevertheless, (quoting the precise words of the Commission) to such instructions touching the premises as shall or may be given you by us, under our Signet and Sign Manual, or by Our Order in our Privy Council, or through one of our Principal Secretaries of State."

Thus the authority which His Majesty was enabled by Parliament to impart to the Governor, was, in fact, so imparted to him subject to the King's further Instructions.

That from the date of the Statute 31st Geo. 3rd, until the year 1835, the power of consolidating and erecting Parsonages or Rectories was never exercised in Upper Canada,—but that at the close of that year it was called into exercise by the then Lieutenant Governor, Sir John Colborne; that the intention to adopt this measure was not communicated by Sir John Colborne to His Majesty's Government,—nor was the measure itself ever reported by that Officer, having been taken immediately before his resignation of the Government into the hands of his successor, Sir F. Head.

That the total number of Rectories thus established appears to have been fifty-seven.

That having recently received from Sir F. Head a Report on the subject, enclosing the Minutes of the Executive Council of Upper Canada, of the 15th January, 1836, your Lordship encloses a copy of those Minutes.

That we shall perceive from them that the Council founded their recommendation of this measure on a Despatch from Lord Goderich, of the 15th April, 1832, from which they quote one passage. That passage, however, is not accurately described. That Lord Goderich is represented in the Minutes as expressing his desire that a moderate portion of "Land should be assigned in such Township or Parish for ensuring the future comfort, if not the comfortable maintenance of the Rectors. That on referring to the Despatch itself, it appears that it expressed His Lordship's opinion that the greatest benefit to the Church of England would be derived from applying a portion, at least, of the funds under the controul of the Executive Government, in preparing, as far as may be practicable, for profitable occupation, that moderate portion of land which you (Sir J. Colborne) propose to assign in each Parish for increasing the future comfort, if not the complete maintenance of the Rectors." The distinction between the Earl of Ripon's language and the terms in which it is thus quoted, is important. It conveys no signification of His Majesty's pleasure, nor indeed any instruction respecting the erection of Parsonages and Rectories, nor even with regard to the grant of land for the maintenance of the Clergy. The main subject of the passage is the application of certain funds in preparing, for profitable occupation, certain lands, and those lands are indicated merely by a passing reference to some intention entertained and announced by Sir J. Colborne. That the Records of the Colonial Office contain no Despatch from Sir J. Colborne in which any allusion is made to the subject. It may, therefore, be inferred that Sir J. Colborne's intentions were made known to Lord Ripon through some private and unofficial channel.

The Council, however, appear to have understood Lord Ripon's expressions as such an intimation of the King's pleasure as would justify the erection and endowment of Fifty-seven Rectories.

That the words were not designed by his Lordship to be so understood, may, with some confidence, be inferred from the following circumstances: The Statute 31, Geo. 3rd, Sec. 36, to 40, enables the Provincial Legislature, on certain conditions, to repeal so much of that Act as relates to the Clergy Reserves. On the 21st November, 1831, that is, six months before the date of the Despatch to which reference is made by the Executive Council, Lord Ripon addressed to Sir J. Colborne a Despatch in which the Provincial Legislature were invited to exercise this power, and he expressly recommended that the repeal should embrace all the clauses in question, amongst which are included those which relate to the erection and endowment of Rectories.

That the Despatch of the 5th April, 1832, was marked "confidential," and it would seem impossible that Lord Ripon could have designed by such a communication to convey to the Lieutenant Governor the King's sanction for neutralising to a considerable extent the effect of that repeal which five months before His Lordship had recommended in a public Despatch.

Your Lordship encloses, for our perusal, copies of the two Despatches of the 21st of November, 1831, and of the 5th of April, 1832. The questions which your Lordship is pleased to propose for our consideration, are the following:—

First,—Adverting to the term of the Statute 31st, Geo. 3rd, Chap 31, Sec. 36, to 40, and to the terms of the Royal Commission,—could the Lieutenant Governor, with the advice of His

Executive Council, lawfully constitute and erect or endow any Parsonage or Rectory within the Province without the further signification of His Majesty's pleasure?

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Secondly,—Can Lord Ripon's Despatch, of the 5th April, 1832, be regarded as signifying His Majesty's pleasure for the erection of Parsonages, or for the endowment of them, or for either of those purposes?

Thirdly,—Are the erection and endowment of the Fifty-seven Rectories, by Sir J. Colborne, valid and lawful acts?

Fourthly,—If the preceding questions be answered in the affirmative, have the Rectors of the Parish so erected and endowed, the same ecclesiastical authority, within their respective limits, as are vested in the Rector of a Parish in England, or within what other bounds is that authority restricted? And your Lordship is pleased to request that we would consider those questions in consultation, and Report to Your Lordship our joint opinion on them.

In obedience to Your Lordship's commands, we have considered the several questions, and have the honour to report, that adverting to the terms of the Statute 31st Geo. 3rd chap. 31 sec. 36 to 40, and to the terms of the Royal Commission, we are of opinion that the Lieutenant Governor, with the advice of the Executive Council, could not lawfully constitute and erect or endow any Parsonage or Rectory within the Province without the further signification of His Majesty's pleasure.

Secondly, we are of opinion that Lord Ripon's Despatch of the 5th April 1832, cannot be regarded as signifying His Majesty's pleasure for the erection of Parsonages, or for the endowment of them, or for either of those purposes. Thirdly, we are of opinion that the erection and the endowment of the 57 Rectories by Sir John Colborne are not valid and lawful acts.

We have the honour to be,

My Lord,

Your Lordship's most obedient humble Servants,

T. HODSON,
F. CAMPBELL,
R. M. ROLFE.

The Right Honourable LORD GLENELG,
&c. &c. &c.

A true Copy.

J. JOSEPH.

[Copy.]

No. 199.

DOWNING STREET,
6th July, 1837.

SIR,

I have received your Despatch dated the 2nd May last, No. 51, enclosing the copy of an C. O. 12 April. Address to the King by the Assembly of Delegates in conjunction with the Established Church of Scotland, and the copy of an Address from the same parties to yourself, praying you to transmit to me the copy of the Address to the King, and to recommend the same to Her Majesty's favorable consideration.

Report of Law Officers,
6th June—918.

This Address, as you have observed, asserts that the Constitutional Act of the Canadas of the year 1791 is an infringement of the rights of the Petitioners. You, therefore, think it needless to offer any observations on the subject. I entirely concur with you in thinking that in the administration of the Government of the Province, neither H. M. confidential advisers nor you had any proper concern with the question whether the Constitution of 1791 was wisely framed or consistent with the just pretensions of each of the three Kingdoms now constituting the United Kingdom of Great Britain and Ireland. It is sufficient for us to know that the British Legislature have enacted that law, and that the Legislature of the United Kingdom is alone capable to repeal or to amend it. The duty of the Executive Government is simply to execute its provisions. In this conclusion you have rested, and there also I should have been inclined to terminate the discussion, if I had not recently found cause to suppose that the Act of 1791 has received an erroneous construction from the Petitioners, as well as from others of deservedly great authority in the Province. It is important to rescue the Constitution from a censure and a consequent unpopularity to which it is not justly obnoxious.

The Petitioners maintain that the Act of 1791 is an infringement on their rights, because it provides for the endowment of Rectories in Canada, and for the presentation of Ministers of the Church of England as Incumbents, and because it invests those Incumbents with spiritual jurisdiction over all denominations of Christians within the bounds of their respective Rectories. To shew that this alleged grievance is not merely a theoretical evil, but a practical wrong, the Petitioners refer to the establishment of 57 Rectories in January, 1836. They complain of this measure as a departure from the pledge of the Crown to refer to the local Parliament the settlement of the disputes which had arisen respecting the Clergy Reserves, and declare themselves unwilling to assume that the King would at that time have instructed Her Majesty's Representative to have established those Rectories. They then declare that this Act has tended more than any other circumstance to diminish the estimation of the equity of Her Majesty's Government in the Province, and as a reparation they call upon the King in substance to invest the Church of Scotland with

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powers co-extensive with those which are enjoyed by the sister Church of England, but to restrict the spiritual authority of both to their own peculiar members.

Without expressing a decided opinion as to the nature and extent of the spiritual jurisdiction which would accompany the creation of any Rectories under the Act of 1791, I trust that the following explanation of the measures which I have taken in the interval which has elapsed since I received your Despatch of the 17th December last, No. 101, upon the subject of the 57 Rectories created by an Act of your immediate predecessor in the Government, will convince the Petitioners of the Church of Scotland that they have, to a certain extent, misapprehended the Act of 1791, so far at least as that Statute may be supposed to have authorised the establishment of the Rectories in question.

You are aware that your Despatch of the 17th December, 1836, contained the first official intimation which ever reached me of the Rectories having been either established or endowed. The fact had been asserted in Parliament, but I was not only officially uninformed, but really ignorant that it had occurred. I therefore requested you to supply me with the necessary information, and until it reached me in the month of February last, I was entirely destitute of all authentic intelligence as to what had really been done. You will not, I trust, even for a moment, suppose that I refer in the spirit of censure or complaint to the silence of the Provincial Government on this occasion. It admits of an obvious explanation. The creation and endowment of the Rectories was almost the last act of Sir John Colborne's Administration; and as at that time you were actually on your way from New York to Toronto, your predecessor probably assumed that the proceeding would be reported by you, he having at last, as it may well be imagined, scarcely leisure enough for the discharge of his many indispensable and urgent public duties. On the other hand, it is impossible not to respect the feelings which indisposed you to enter on the subject. Regretting the measure itself, as creating a new embarrassment in your path, at that time beset by difficulties of no ordinary kind, and naturally regarding it as irremediable, you preferred to contend with this obstacle silently, rather than to avail yourself of it, either as an apology in the event of failure, or as enhancing your own merit in the event of success. To this generous solicitude for the credit of your immediate predecessor, I have always attributed your omission to report his proceedings with regard to the Rectories; and I fully admit that, with the opinion which you entertained, and could scarcely have failed to entertain, as to the validity of the Act itself, the motives for making it a subject of correspondence were but few and of no great weight.

Although for the reasons subsequently stated, I am compelled to think that the creation and endowment of the Rectories were not lawful or valid measures, yet it would be most foreign to my real intention if I should be supposed to cast any doubt on the propriety of Sir John Colborne's conduct in reference to them. That distinguished Officer has given too many proofs of his devoted zeal for His Majesty's service, and for the good of the King's Subjects, to permit the admission of even a surmise injurious to his Public Spirit, on this or any other occasion; and although I may differ from him in opinion as to the expediency of establishing the Rectories, especially at the moment chosen for that purpose, yet I am convinced that Sir John Colborne would, as readily as any man, acknowledge that opposite views of the public interest upon any particular question may be entertained by men engaged in the same branch of Her Majesty's Service, without derogating in the slightest degree from their mutual esteem and confidence. Indeed in proportion to the strength of those feelings will usually be the freedom with which such opposite views are avowed and discussed.

On receiving your Despatch of 17th December, it appeared to me very questionable whether any adequate Legal authority existed for the creation and endowment of the Rectories. I did not indeed perceive any possible ground for disputing the right of the Lieutenant Governor in Council to proceed to that measure, if previously sanctioned by the King. But on referring to the Commissions of Lords Aylmer and Gosford,—to the general Instructions accompanying them,—to the Correspondence between this Department and the Provincial Government,—and to the Minutes of the Executive Council of the 15th January, 1836, it appeared to me that no such sanction had ever been given. The grounds of this opinion you will learn from the accompanying copy of the communication which I thought it necessary to address to the King's Advocate, and to the Attorney and Solicitor General.

The Law Officers of the Crown received that reference on the 12th April, and reported me their answer on the 8th ultimo. The delay is readily accounted for by the great importance of the question, and by the anxiety of His Majesty's Legal Advisers to offer no immature judgment on such an occasion. I enclose for your information a copy of their Report. You will find that they declare their opinion to be that the erection and endowment of the Fifty-seven Rectories, by Sir John Colborne, are not valid and lawful acts.

I confess myself to be much embarrassed by this decision. It imposes upon His Majesty's Government a duty which is for many reasons exceedingly irksome. The demands of the members of the Church of Scotland would forbid a silent acquiescence in what has been done, even if such inaction were otherwise compatible with the obligations of the Office which I have the honour to hold. Yet, I feel that by acting on the advice of the Law Officers of the Crown, in this instance, I shall inevitably appear to be assuming an attitude of opposition to the interests of the Church of England. I can, however, only pursue the straight path which lies before me, trusting that if I shall not at first escape misconstruction, I shall ultimately be acquitted, by the parties more immediately concerned, of any failure in the affection and veneration for the Church of England which should characterise every sincere member of her communion.

It is, of course, possible that the statement on which the Law Officers of the Crown have founded their opinion may be erroneous or defective, although it is certain that the utmost care and

labor have been bestowed on the investigation of the facts of the case. It is also possible that His Majesty's Legal Advisers may have misapprehended the Law, although it is equally clear that they have bestowed their most patient and laborious attention on the questions proposed to them. But, adverting to each of these possible sources of error, my first solicitude is to ascertain whether any such mistake has really occurred,—You will, therefore, have the goodness to communicate a copy of this Despatch to the Archdeacon of Toronto, who will probably think it right to lay it before the Bishop of Montreal, who is now officiating as Bishop of the Diocese of Quebec; and you will invite His Lordship and the Archdeacon to inform you whether they are aware of any material fact omitted in the case laid before the Crown Lawyers, or inaccurately stated there, or of any important argument which may be supposed to have escaped the notice of those learned persons. If any such error or oversight shall appear to you to have been committed, you will suspend all further proceedings, until you shall have reported on the case to me, and shall have received my further Instructions.

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If no such error shall be pointed out by the Bishop or the Archdeacon, or shall occur to yourself, you will then consult with them as to the method by which the question of Law can be brought to an adjudication with the least delay, inconvenience, and expense, and with the least danger of placing the Local Government in the invidious position of being engaged in an open controversy with the Church of England in the Province.

I trust that some method will be found of obtaining the judgment of the Court of Queen's Bench, in a form which will exclude the supposition of any unfriendly feeling on either side. On this subject you will, of course, act under the guidance of your Legal Advisers. It matters little what may be the shape of the litigation, if it shall avoid every semblance of hostility, and shall be such as to bring the question of Law fully to adjudication in such a manner as will enable either party to bring the cause by Appeal under the view of the Judicial Committee of the Privy Council.

I have assumed that the Bishop and the Archdeacon would not think themselves at liberty to surrender the Rights apparently vested in the Church of England, in deference to the opinion of His Majesty's Legal Advisers, and without the previous judgment of the proper Legal Tribunals. I must go further, and avow my opinion that such a surrender is neither to be asked nor desired. Her Majesty's Government repose, indeed, in the Law Officers, the confidence to which their high professional reputation gives them so just a title; but I am persuaded that it would be more satisfactory to those learned persons themselves, as it would be far more agreeable to me and my colleagues, that claims of such peculiar delicacy and importance should be decided, not on the responsibility only of the Judgment of the King's Advocate, and the Attorney and Solicitor Generals, but on that of the proper Tribunal, after a full investigation of all the facts of the case, and of all the principles of Law bearing upon them.

On such subjects as the present, little advantage is gained, while much inconvenience is incurred, by concealment. The public at large are so deeply interested in the result, that they are entitled to know the progress of the discussion when no positive injury can arise from the disclosure. You have, therefore, my authority to communicate this Despatch, or any passages of it which you may think it not inconvenient to communicate, to the petitioners of the Church of Scotland, as the answer to their application. They will perceive that their request for the grant of certain peculiar advantages to their own Church, proceeds on an assumption, the accuracy of which is yet to be decided—the assumption, namely that the Church of England has acquired a valid and lawful title to the Endowments made in her favour in January, 1836, and to the Spiritual Jurisdiction which is supposed to be incident to those Endowments.

I have, &c.,

(Signed)

GLENELG.

Lt. Governor

Sir FRANCIS B. HEAD, Bart.,
&c. &c. &c.

A true Copy.

J. JOSEPH.

[Copy.]

TORONTO, UPPER CANADA,
12th October, 1837.

SIR,

I have the honour to acknowledge your letter of 11th ult., transmitting to me, by desire of His Excellency the Lieutenant-Governor, a copy of a Despatch of the Right Hon'ble Lord Glenelg, Her Majesty's Secretary of State for the Colonies, dated the 6th day of July last, respecting the establishment of certain Rectories in this Province, and the endowing them with lands for the support of the resident Clergymen.

I perceive that His Lordship has been pleased to direct that a reference should be made to me, as Archdeacon of this portion of the Diocese, upon the subject of this Despatch and its enclosures, in order that I may state to His Lordship whether, in the case which he has submitted for the opinion of the Law Officers in England, any fact or circumstance has been left unnoticed which might have influenced their decision.

I am thankful for the opportunity thus afforded me of communicating officially the following facts in vindication of the course which has been pursued in this part of Her Majesty's dominions

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for affording, in time, a secure but a very moderate provision for a very small number of the resident Clergy of the Church of England.

The clear and express enactments of the Statute, 31st Geo. III. chap. 31, providing for the erection of Parishes in Upper Canada, could not for many years be acted upon in this Province, because it continued almost a dense forest till after the American war of 1812. Few or no Reserves were leased, and consequently there were no funds at the disposal of the Government. The few Clergymen of the Church of England then resident in the Colony were supported as Missionaries by annual salaries derived from the British Government and from the venerable Society for the Propagation of the Gospel in Foreign Parts. But, though the situation of the country rendered it inexpedient, or rather impossible, to erect Parsonages and Rectories, the delay did not arise from any doubt on the part of the Provincial Government that full and sufficient power was given to the Governor or Lieutenant Governor in Council by the Royal Commission, and the Instructions with which it was accompanied. Had there been the slightest hesitation on this point in Upper Canada, it would have been removed by the proceedings in the Sister Province:—So far back as June 1801, at the instance, I believe, of the Lord Bishop of Quebec, steps were taken to establish Parishes and Rectories in Lower Canada—and in like manner, since the peace of 1815, such proceedings have been from time to time had in this Province as seemed best calculated to cherish, and gradually to build up, the Church, as a permanent Ecclesiastical Establishment for the religious instruction of the inhabitants, according to the principles, rites, and ceremonies, of the National Church of England.

On the 9th of March, 1815, the Executive Council, under the Administration of General Sir Gordon Drummond, in reporting on the petition of the Reverend John Strachan for remuneration for the moneys expended on the Parsonage House of Cornwall, for the residence of the Minister of the Church of England, recommended, "That whenever a Church is erected, and a Minister appointed to reside in any Township, the Wardens may be authorised to erect a Parsonage House, by anticipating the produce of the Clergy Reserves in the Township, by loan, of a sum not exceeding Four Hundred Pounds, the principal and interest of which loan shall be paid by such persons as may be charged with the receipt of the Clergy Rents within the Township, as they may become productive.—That the charge of Insurance and ordinary tenants' repairs shall be defrayed by the Incumbent, and all other repairs by such means as the building." The report in Council suggesting this principle for future guidance in building and erecting Parsonage Houses was transmitted to the Right Honourable Lord Bathurst, Principle Secretary of State, for the approbation of His Royal Highness the Prince Regent. To this an answer was returned by Lord Bathurst, dated 10th October, 1815. "The claim of the Rev. Dr. Strachan, the present Minister of York, appears, from the Report of the Council, to be deserving of consideration, and you will therefore consider yourself authorised to make the payment which they have recommended."

As the fund arising from the rents of Clergy Reserves under lease accumulated very slowly, application was made to His Majesty's Government by the first Bishop of Quebec, soliciting that the Clergy in a corporate capacity might be entrusted with the power of leasing,—and accordingly the Corporation for managing the Clergy Reserves in Lower Canada was established, by an Instrument under the Great Seal of that Province, in 1816, which Instrument had been originally draughted in that Colony by the Law Officers of the Crown. This draught was sent to the Secretary of State for the Colonies, Lord Bathurst, for the approval of the King's Government, and it was returned with the sanction of Government, and an order to Sir John Sherbrooke to cause Letters Patent of Incorporation to be issued in the terms of the draught. A similar Instrument at the instance of the Bishop was recommended by the Executive Council of this Province on the 20th of October, 1818, and was made patent under the Great Seal of Upper Canada on the 30th of April, 1819. Since that period, greater facilities have been afforded to the issue of leases, and their number, has, in consequence, rapidly increased.

About the same time the Lord Bishop of Quebec had earnestly pressed upon the consideration of His Majesty's Government the expediency of dividing the Provinces into Parishes; and it appears, in consequence of His Lordships applications, an instruction from the Secretary of State was transmitted to Mr. President Smith, then administering the Government, dated the 2nd day of April, 1818, conveying the authority of His Royal Highness the Prince Regent for erecting Parsonages and Rectories in conformity to the Statute 31st Geo. 3rd, chap. 31 and section 38th. The principle already adopted in this Province for building Parsonage Houses appeared so much in accordance with the spirit of this instruction, that the Colonial Government was encouraged to proceed as fast as the small means at their disposal allowed, in the hope of at least furnishing, at no distant period, comfortable places of residence for the Missionaries then in the Province. As small parcels of land were attached to each Parsonage on its erection, it was believed that it would be easy to complete the endowment with due portions of the Glebes and Clergy Reserves, when the Bishop should think proper to proceed to institution. This gradual mode of establishing the Church, though necessarily slow, from the smallness of the funds, was nevertheless following by degrees the increasing settlement and cultivation of the Province, and meeting, in as far as the Government was able, its growing wants for religious instruction. Upper Canada, even in 1818, was still in comparison a wilderness; and therefore no measure of a general character, constituting and erecting Townships (many without any inhabitants) into Parishes and Rectories, would have been found beneficial. Moreover, it could not be foreseen where the population would most rapidly congregate;—it was therefore thought most useful and advisable to husband the scanty funds, and reserve them for applications from populous townships and places, as they offered to decide upon the amount of assistance to be given, according to their particular merits. In this

way Parsonage Houses were built, or partly so, at Cornwall, Brockville, Bath, Cobourg, and Ancaster,—and promises made to many other places so soon as the growing funds arising from leases would permit.

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Had not their limited means prevented the Provincial Government from proceeding to any great extent with the commands of His Royal Highness the Prince Regent, communicated in this Instruction, the question of Tithes, at this time raised, would, till finally set at rest, have dictated the same course of proceeding. It was considered by the Government of this Province, that, under the comprehensive words of the 39th section of the Statute, the regularly-inducted Rector of any Parish or Rectory erected in pursuance of His Royal Highness' Instructions, might claim to be entitled to tithes, notwithstanding the evident intention of the Statute that the Clergy of the Established Church should receive their support from the produce of the Clergy Reserves.

It was not apprehended that a claim to tithes would, in fact, be preferred by any Rector so inducted; but it was possible—and, to prevent embarrassment and alarm, it was thought prudent not to proceed to the full extent of the Royal Instructions which had been transmitted, until an Act should be passed by the Colonial Legislature declaring that no right of tithes should ensue upon the induction into any benefice in this Province.

A short Act was passed by both Houses of the Legislature of the Colony, declaring "that no tithes shall be claimed, demanded, or received by any Ecclesiastical Pastor, Rector, or Vicar of the Protestant Church within the Province—any law, custom, or usage to the contrary notwithstanding." In this enactment, which the writer of this letter had the pleasure of bringing forward, the friends of the Church of England fully concurred,—for they never desired to retain anything more than they were entitled to by the most obvious construction of a solemn Act of the British Parliament. This Act, being necessarily reserved for the assent of His Majesty, failed, even though noticed in the Royal Instruction, to receive the requisite attention in England, until the limited period of two years had elapsed, and it could not therefore become a law.

In the year 1821, a similar bill was passed, of which a copy accompanies this letter, and which, in conformity with the provisions of the 42nd section of 31st Geo. III. chap. 31, received the sanction of His Majesty and the Imperial Parliament, and was proclaimed on the 20th of February, 1823.

It was this effort to renounce, on the part of the National Church, anything which could reasonably seem invidious in the provision made by law for her support, that gave occasion to the discussion of a question, of which I may truly say that it was started with no hope of the results to which it has been unexpectedly suffered to lead.

Before it can be ultimately disposed of, it will be necessary that the sense of Parliament should be pronounced upon the arguments to be deduced from history—from the principles of the Constitution—from the plain words of the Statute—from numerous other acts of the British Parliament—and from a series of public acts in England and the Colony, in which the impressions of the Government can be very easily and satisfactorily traced. I shall say no more now on this subject than that if the Church of Scotland had a right to be regarded under the Act of Union as established any where out of Scotland, it was a right of which the people of Scotland, of England, and of the Colonies, were all equally ignorant, until it was discovered in Upper Canada, one hundred and ten years after the Act of Union; and that if it was really intended by the British Parliament, when the 31st Geo. 3rd, chap. 31, was passed, to comprehend the Clergy of the Church of Scotland within the provisions of that Statute, it was an intention of which the British Government, the Church of Scotland, and her Clergy and adherents in and out of this Province, were evidently unconscious for thirty years after the Statute passed. Of this there is, in my opinion, satisfactory proof, both negative and positive.

In 1824 and 1825, His Majesty's Government had entered into a contract with a Joint Stock Company for selling to them a large portion of the waste lands of the Crown at a cheap rate, and upon terms of payment very advantageous to the Company. About two millions of acres of the Clergy Reserves were to be included in this contract; but the Clergy of the Church of England in this Province very earnestly appealed to His Majesty's Government against this improvident alienation, and happily their appeal was not made in vain. The Reserves were excluded from the sales, and by agreement with the Canada Company a block of the other waste lands of the Crown was transferred in their stead. And, further, His Majesty was graciously pleased to manifest his desire to place the Established Church in this Province upon a footing which could alone secure it against the recurrence of similar danger, by transmitting, through his Secretary of State for the Colonies, the late Earl Bathurst, a formal instrument, plain and unequivocal in its terms, and which expressly conveys in the words of the Statute the requisite authority for establishing Rectories and Parsonages in Upper Canada, and endowing them with lands in the discretion of the Governor and Council.

This instruction had no limitations like the one transmitted to President Smith, but was, in every respect, full and complete. It was officially laid before the Executive Council of the time soon after its receipt, and in Nov. 1825, the Council prepared and submitted a proposition for erecting and endowing Rectories and Parsonages. This plan was for some time under consideration, because a difference of opinion was entertained on its details. There was a doubt as to the proper extent of the Parishes, and the portion of lands which it would be expedient to annex to each. It was found that the funds, though increasing, were still inadequate to build any number of Parsonage Houses at the same time; and there was some reluctance to constitute and erect a great number of Parishes, and annexing portions of wild land, yielding no profit without, at the same time, bringing them partly into cultivation, and building residences for the Clergy. There

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was also a reluctance to adopt any temporary or partial arrangement, while hesitation was felt to act decisively and make a general appropriation of the Clergy Reserves by dividing the whole Province into Parishes, and endowing each with a sufficient portion, while the question had been brought under the consideration of Parliament and the Government in England. These various points were made still more perplexing by the passing of 7th and 8th Geo. 4, ch. 62, authorising the sale of part of the Clergy Reserves, as it directed the moneys arising from the sales to be placed in the British funds, and so removed them from the more immediate control of the Colonial Government. Moreover, these sales frequently included Reserves under lease, by which means the proceeds arising from rents were in some degree diminished. These difficulties may well account for the delay during the short remainder of Sir P. Maitland's administration. They likewise furnished sufficient motives for inducing Sir John Colborne to take time for consideration. In the mean time aid continued to be given as before towards the erection of Parsonage Houses at Toronto, Port Hope, Woodstock, London, Long Point, &c., as the funds allowed. The Clergy were not urgent, and did not press any general plan; reposing in the faith of Government, which they saw was doing all in its power; they waited in tranquillity, fully assured that the interests of the Church would not be lost sight of, and that, when the proper time arrived, a general measure for constituting and erecting Parsonages and Rectories would be adopted, or as soon as means were at the disposal of the proper authorities to make it efficient.

Thus matters continued for some length of time; but during the latter part of Sir John Colborne's administration, the propriety of turning the lands to some account for the support of the Clergy engaged the consideration of the Secretary of State, as appears from the copies of Despatches which accompany my Lord Glenelg's correspondence with His Excellency the Lieut. Governor. Indeed some such course now became absolutely necessary, for His Majesty's Government had by its late arrangements in some degree withdrawn from a most meritorious class of the Ministers of the Church that scanty support which they had enjoyed, and which they had little reason to expect would ever have been denied them. It was therefore but a natural sentiment of justice which impelled Lord Goderich to enjoin upon Sir John Colborne the reparation of this loss by securing in a permanent manner a small fraction of that provision which an act of the British Parliament had assured to them for their support.

Moreover, the result of the negotiations since entered into by the Secretary of State for the Colonies with the Society for the Propagation of the Gospel in Foreign Parts, being only of a temporary nature, and implying the discontinuance of any salaries to the successors of the present incumbents, the Colonial Government was obliged without delay to take such measures as might enable it in some degree to meet this alarming contingency. They were also pressed to take active steps in this behalf by the Clergy Corporation, as appears from the minutes of its proceedings on the 9th February, 1835, on which occasion the late Lord Bishop presided.

There was no necessity for considering Lord Goderich's Letter an authority or instruction in accordance with the requirement of the 38th sect. of 31st Geo. III. chap. 31. It is rather to be deemed an injunction or friendly admonition no longer to postpone, under any circumstances, doing something towards the permanent establishment of the Church. To have sent additional authority would have been superfluous, as the Royal Instructions already mentioned were, and still are, more than sufficient to enable His Excellency the Lieutenant-Governor in Council to constitute and erect Parsonages and Rectories, with competent endowments, throughout the whole Province, instead of the very small number to which they have unfortunately been limited.

I would not presume to offer any further explanation of the delay which occurred in carrying the injunction into effect, because Sir John Colborne is in the country and may be easily referred to.

I know, however, that the measure of constituting these Rectories was no sudden resolution, but, on the contrary, it was a long time in progress—that it was retarded by varying opinions upon some points of detail, as well as by the difficulties already noticed,—but that, nevertheless, much progress was made in it, as it was in fact substantially executed before Sir John Colborne had the slightest intimation of an intention to supersede him in his Government.

When this intimation did arrive, His Excellency certainly manifested an unequivocal anxiety to lose no time in completing what had been much more than begun, and did hasten it as much as was in his power.

His motives for this were probably, in the first place, not to leave to the power of chance what he felt it to be his duty to secure; and in the next place, to avoid the appearance of leaving to his successor the performance of an act which he might imagine would, with some, injure his popularity.

However this may be, I have no doubt that the measure in question is precisely that act of Lieutenant-General Colborne's administration, of which the remembrance will ever be the most satisfactory to him as a man and a Christian.

With respect to what I find has been said by the friends of the Church of Scotland in regard to the Ecclesiastical jurisdiction over other sects which the endowment of these Rectories has conferred upon the Church of England, it is not easy to understand how any number of persons residing in this country could prevail upon themselves to express any serious apprehensions on that score.

Parishes have been for many years erected within the Province of Lower Canada under the same Act of Parliament, and in other Colonies of British North America—in the West India Islands, and in New South Wales. These Rectories, which are now complained of, have been established nearly two years; and the experience of the past, and the observation of the present,

must have equally shown that no person of any other religious community has the slightest reason to suppose that his civil or religious liberty, his person, or his property, will be in any manner interfered with in consequence of their Rectories and Endowments. It is, in fine, notorious that the rights of marriage, baptism, and sepulture, are by the laws of the Province common to the Teachers of all other Christian denominations with the Clergy of the Church of England. Whatever, therefore, may have been stated, it is very certain that no such apprehensions is or can have been felt.

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With respect to the land annexed as an Endowment, it is, in almost every instance, an insignificant fraction of those Reserves to which the Church of England in this Province has a claim which ought to be regarded as sacred. In value it is so small as to be chiefly acceptable to supply firewood,—and, in most cases, being wild and totally uncultivated, it will yield nothing without incurring a considerable expense; even the very best of the Endowments yield a very trifling emolument, and will not for a long time make up for the fifteen per cent. recently deducted from the narrow salary of the Incumbents. Indeed those Endowments, looking to futurity when the country is populous and well cultivated, can scarcely be anticipated in any instance to supply an adequate provision for the sustenance of an educated Minister of the Gospel, and ought not therefore to have roused the jealousy of any body of Christians. It must be further borne in mind, that the greater number of these Endowments consist of lands which have been in the possession of the several Incumbents, by license of occupation, from their first settlement in the Mission, without notice or complaint, and that the only difference now is a greater security of title.

I do not know that the establishment of the Rectories has called forth the language of complaint from any religious community except from the Church of Scotland, of whose members it is remarkable that their illiberal and intemperate hostility to the Church of England in this Province appears to have constantly increased, in proportion to the unjust aggressions which they have made upon her rights, and the countenance which these aggressions have unexpectedly received.

Even the House of Assembly, after much discussion, occasioned chiefly by the five or six Members belonging to the Church of Scotland who have seats, passed the following resolution, by a majority of thirteen, "That this House regards as inviolable the rights acquired under the Patents by which Rectories have been Endowed, and cannot, therefore, either invite or sanction any interference with the rights thus established." It is true other Resolutions were passed, disapproving of their establishment, but to call in question the Patents by which they were constituted and erected would have been, as many of the speakers wisely averred, to disturb and unsettle the titles to property throughout the whole Province.

In recapitulation, I beg to state, 1st.—That however sensible I am of the consideration of His Majesty's Government, in making the reference which occasions this letter, I cannot but regret that before submitting to the Crown Officers of England a statement of a case which has led to their expressing an opinion against the legal validity of the Act which has been called in question, the same inquiry was not made which it has been thought just and prudent to institute before their opinion should be acted upon.

2nd.—That the case stated for the opinion of the Crown Officers must have conveyed to them clearly the impression that from the year 1791 to the time of creating these Rectories, no authority had been conveyed from His Majesty through His Secretary of State, such as the 38th clause of the Statute 31, Geo. 3rd, chap. 31 requires; that their opinion is founded upon this impression, and rests therefore upon the supposed non-existence of an Instrument, two of which, of different dates, are now before me, and are recorded in the proceedings of the Executive Council of this Province.

3rd.—That this provision made for the resident Clergy of the Established Church, partial and insufficient as it unfortunately is, stands upon the express provisions of an Act of Parliament, and the execution of a power given by the King in exact conformity to its enactments. It cannot, therefore, be destroyed to gratify the uncharitable feeling of any person or party; and nothing can deprive the Clergy of the Church of England in this Province of the rights thus secured to them but the overruling power of the same Legislature which conferred them. I need not say that an Act of Parliament which should have that for its object would be such an Act as never yet has dishonoured the Supreme Council of the Empire.

I observe that the letter of my Lord Glenelg suggests the possibility, though it by no means expresses an expectation or desire, that I may be found willing to surrender, or to concur in surrendering, voluntarily, the Endowments which the King has annexed to the several Rectories.—Happily the provident caution of Parliament has not placed it in the power of any individual to be the instrument of so much injustice: It is not in my discretion to make any surrender of the kind; if it were, I believe it would not be necessary to assure any one who is personally acquainted with me, that I would as readily surrender my life.

I have laboured earnestly for nearly forty years, through good report and bad report, in promoting the peace and happiness of this Province, and its attachment to the Parent State. During more than thirty-four years of that period I have been zealously, and I trust successfully, employed in promoting the cause of true religion, and in the discharge of the sacred duties of a Clergyman, and have uniformly acted towards all other Christian denominations with a Christian spirit which the respectable portion of them will readily acknowledge. I am now approaching the evening of my life, and assuredly I shall never incur the reproach of having sacrificed any portion of the interests of the Church to which I have the happiness to belong, in the wild hope of conciliating her enemies, or from the culpable desire of avoiding the unpopularity which it seems to be feared must attach to those who fairly maintain the religion of our Sovereign, and of the British Empire.

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I have not failed to notice, that from the tenor of my Lord Glenelg's Despatch it is to be inferred that the petitioners in the name of the Church of Scotland, have claimed for their Church the right to be treated in this part of the Queen's dominions, upon a footing of perfect equality with the United Church of England and Ireland.

It is not credible that any number of enlightened members of the Church of Scotland can have imposed so far on their own judgment as to believe that it was reserved for two or three laymen in the Legislature of a remote Colony to discover rights and relations resulting from the Act of Union which had escaped consideration and notice in all parts of the British dominions during more than a century. They cannot but be aware that the Act of Union did but protect the rights and privileges of the Church of Scotland in express words, while in language as express it guarded all the rights and privileges of the national Church of the Empire in every other part of the British dominions.

They must, beyond all question, know and feel that the claim which they have originated in Upper Canada to constitute of right a second Church Establishment in a British Colony, is a novel pretension, at variance with the principles of the Constitution, and not to be reconciled to the frequently declared sense of Parliament from the time of the Union to the present moment: to the acts of the Government both in the Mother Country and in the Colonies, or to the understanding which has universally prevailed on this point in all parts of the Empire. And there can be as little question that they must have been exceedingly surprised at the facility with which they have been allowed to advance, step by step, in pretensions unsupported by the Constitution, by history, by law, or by reason, but which, when they are carried to their full extent, must tend to produce confusion, and to unsettle the ecclesiastical condition of the Empire.

The error will be perceived when it is too late to remedy it, and it will be found that the well established principles of the Constitution have been deserted for the purpose of pursuing what will turn out to be any thing but a wise or popular cause.

I have the honor to be,

Sir,

Your most obedient humble Servant,

(Signed)

JOHN STRACHAN.

JOHN JOSEPH, Esquire.

Civil Secretary.

A true copy.

J. JOSEPH.

TORONTO, 27th January, 1838.

SIR,

I have the honour to acknowledge the receipt of your letter of the 26th instant, conveying His Excellency's answer to my application respecting the issuing of his warrant for the remainder of the grant to the Upper Canada Academy, and beg to say in reply, that I delivered to His Excellency Lord Glenelg's Instructions on the subject within an hour after my arrival from England; that His Excellency read them, and then desired a day to consider them.

I waited upon His Excellency the following day, when he expressed his ardent wish to give immediate effect to Lord Glenelg's Instructions, but stated the reasons of His inability to do so,—want of funds.

Then, and not till then, did any conversation, to the best of my recollection, take place on the subject of the Grant; but that conversation had reference to the proceedings of the Local Legislature, His Excellency endeavouring to convince me that I had an erroneous view of the intentions of the Legislative Council in relation to the Upper Canada Academy Bill. On my immediately referring to Sir George Grey's answer to my application, His Excellency expressed a desire to see it. A day or two afterwards I showed it to His Excellency; upon which he remarked that it left him no discretion but to advance the amount as soon as he had it at command, which it was his wish to do. Then reading a part of Lord Glenelg's Instructions, His Excellency observed that they did leave him "a loop hole," (to use His Excellency's own phrase,) if he chose to avail himself of it; but that it was quite clear from Sir George Grey's letter that he had no discretion in the business. His Excellency has at various times repeated this statement in almost every form of speech to the Rev. Messrs. Stinson and Evans, as well as to myself. At the same interview in which I showed His Excellency Sir George Grey's letter, His Excellency assured me that though he thought Lord Glenelg had not treated the Legislative Council well in the business, yet he would not delay the fulfilment of His Lordship's instructions on that account, but would give effect to them as early as possible. I must therefore disclaim all responsibility in either leading or "misleading" His Excellency in his understanding of Lord Glenelg's instructions. I submit that His Excellency's reading and re-reading of Lord Glenelg's instructions, and twenty-four hours' consideration of them, with his acknowledged acuteness of understanding, and his subsequent perusal of Sir George Grey's Letter, was ample to an unbiassed interpretation of His Lordship's benevolent intentions. How any casual observations of mine with a view to "mislead" His Excellency—a thought which never entered my breast—could have led him into so egregious an error, in connexion with such documents and facts, is, I confess, beyond my comprehension, even upon the assumption that I had made observations of that character.

Copy of Letter from Rev.
Egerton Ryerson to Mr.
Secretary Joseph, respect-
ing aid to the U. C.
Academy

I think it just also to observe, that when I published in the *Guardian* of the 5th of July—four weeks after the delivery of Lord Glenelg's instructions to His Excellency—the communications between Her Majesty's Government and myself on the subject, I made not one word of comment upon them. I made some observations on the proceedings of the Legislative Council; but simply observed, in reference to the documents—"I transmit for insertion in the *Guardian* the conclusion of my correspondence with His Majesty's Government on the subject of the Upper Canada Academy." The impression therefore of the public in relation to this affair was derived from reading the official documents themselves.

Copy of Letter from Rev E. Ryerson to Mr. Sec'y Joseph, respecting aid to U. C. Academy.

I have indeed always spoken of the aid given by Her Majesty's Government as a *grant*, because I so understood it in my interviews with Lord Glenelg and Mr. Stephen, as stated in my letter of the 25th instant; because Sir George Grey's letter made no allusion whatever to that aid being suspended upon the compliance of the Trustees with certain conditions, and because that letter itself was worded in accordance with my own wishes—I, not suspecting, for one moment, that legal skill was hereafter to be employed in the matter to the disadvantage of the Institution, and to the disparagement of that liberality which best comports with the dignity of the British Crown; and I must respectfully repeat, that it is a circumstance, I believe, without precedent in the annals of British Colonial History, for a Governor to derive his views of the instructions of the Secretary of State for the Colonies from a private individual instead of the Royal written instructions before him—views, too, essentially at variance with his instructions,—and especially when, in the very nature of things, he must have read those instructions before he had any conversation with that individual, and without the perusal of which instructions he could not possibly have known the special object for which that individual had waited upon him—had waited upon him also within an hour after his arrival in the country, and had arrived two days before the mail, so that information of his object could have been derived from no other source than the very Despatches which he then delivered, and which were read and considered twenty-four hours before any expression of opinion respecting them.

I must therefore decline the honour and responsibility of directing His Excellency's understanding of Lord Glenelg's instructions from the 9th of June last until the day before yesterday morning, when, by the note addressed from the Government House to the Attorney General, it appears that "one or two Councillors" thought that Lord Glenelg's instructions might be interpreted as a loan, as well as a grant; although it is known that the people of Upper Canada have been appealed to, and Councillors have been dismissed by His Excellency, because they insisted upon giving their advice in other than land matters.

Nor do I think it foreign to the present subject to remark, that during my stay of eighteen months in England, I did, to the best of my humble ability and judgment, and at the expense of much personal inconvenience, bestow diligent attention to matters of importance to the interests of the Province, as has been acknowledged by many competent judges; and the spontaneous exertions of the general body under whose auspices the U. C. Academy has been established, during a most eventful crisis of our Provincial history, have been such as to render the present attitude of His Excellency and certain Executive Councillors as unexpected as it is undeserved—an attitude it will be remembered, assumed since the announcement of His Excellency's retirement from the Government of this Province, and since the publication by Ministers of the Wesleyan Methodist Church of a feasible but in some quarters not popular plan for settling the Clergy Reserve question,—an attitude, the object of which cannot be mistaken, whatever may be the reasons assigned for it, and under whatever professions of regard to the interests of that institution it may be assumed.

And the present course adopted by His Excellency will appear still more extraordinary, when it is recollected that his capital error in the interpretation of Lord Glenelg's Instructions was not discovered, nor the advice of Executive Councillors called for, until after I had succeeded in removing every variety of previous objection which had been urged against issuing the requisite warrant upon the Receiver General, and even after His Excellency had, some weeks since, assured two respectable gentlemen beside myself, that he had, even at that time, given the Receiver General every necessary authority to pay the amount without *any further* instructions or warrant.

Having thus vindicated myself from the unexpected and very extraordinary imputations involved in your letter, I have only further to observe, that I shall, as in duty bound, appeal to Lord Glenelg himself for the interpretation of his benevolent intentions; although, in the mean time, at the close of the present term, the operations of the Upper Canada Academy must be suspended until his Lordship's pleasure shall have been obtained.

I have, &c.,

(Signed)

EGERTON RYERSON.

A true copy.

(Signed)

J. JOSEPH.

GOVERNMENT HOUSE,
TORONTO, 30th, January 1838.

SIR,

I have the honour to acknowledge the receipt of your letter of the 27th instant, which I have laid before His Excellency the Lieutenant Governor.

His Excellency in reply desires me to inform you that all you state as having transpired at your first interview with him, on your return from England, is correctly detailed; and His Excellency, having no other desire than to carry into effect Lord Glenelg's instructions, would

Copy of Letter from Mr Secretary Joseph to Mr Ryerson, in answer to the above.

Copy of Letter from Mr Secretary Joseph to Mr Ryerson. In answer to the above.

without hesitation have then paid to the Trustees of the U. C. Academy the whole of the sum directed to be advanced, had the fund on which the warrant was to issue admitted of that disbursement,—conceiving, as he did, that the advance was to have been made as a *grant*. His Excellency, up to the date of your application of 21st instant, and indeed up to the present moment, had, and has every disposition to comply with the request of the Trustees for the advance of the remaining moiety of the sum in question; but on his attention having been particularly directed to the terms of Lord Glenelg's Despatch (as I mentioned to you in my letter of the 26th instant) he perceived he had hitherto been in error. It therefore became imperative on His Excellency to lay the subject before the Legislature; and it is with regret he perceives that his having so done is regarded by you as a proceeding adopted with a view to embarrass the benevolent intentions of Lord Glenelg, or cripple the exertions of the Trustees of the U. C. Academy.

The feelings which His Excellency entertains towards the great body of the Wesleyan Methodists throughout the Province, would at all times induce him to give his support to their praiseworthy endeavours for promoting the religious and moral education of the youth of Upper Canada.

I have, &c.,

(Signed)

J. JOSEPH.

A true copy.

J. JOSEPH.

GOVERNMENT HOUSE,
Toronto, 30th January, 1838.

SIR,

When I had the honour of addressing your Excellency on the subject of the destruction of the *Caroline*, I contented myself with sending you a statement of the facts as they were reported to me officially, corroborated by several affidavits. I did not think it necessary to trouble you, either with arguments of my own upon the unreasonableness of the complaint which was made on account of that transaction, or with any contradiction or notice of the extraordinary misstatements which were going the rounds of some of the American newspapers.

Upon this latter point, I was the less careful to put you on your guard, because from numerous remarks made in respectable American papers, I perceived it to be very notorious there, as well as here, that no credit could be attached to the accounts given of Canadian affairs in the papers printed along the frontier of the United States. I believe I should scarcely err, if I were to say, that in most of them nothing has been stated truly from the beginning—and that in many of them not the slightest regard appears to have been paid to truth.

Since I wrote to you, I have learned nothing that would authorise my receding in any point from the statement then given; and it was with no less astonishment than disappointment that I found either the Government of the State of New York, or the Federal Government, adopting as true the most false and exaggerated statement of the destruction of the *Caroline*, and not hesitating to speak of that just and rightful act of self-defence as an assassination of American citizens. I must confess that I cannot but look upon the application of such a term to such an act as scarcely a less outrage than any of those gross infractions of their rights which have compelled the people of Upper Canada to arm in their defence.

Though it has been variously stated, that from twelve to twenty-two peaceable citizens of Buffalo were murdered in the *Caroline*, I have not yet found that the name of a single person has been ascertained, or even mentioned, as having perished on that occasion, except one Durfee, who, I am informed, was killed in arms, and who, moreover, was really a British subject, usually resident in Canada until within the last few months. I only recur to these circumstances because I am desirous of vindicating the gallant men who performed this plain and necessary act of duty to their country, from the charge of wanton cruelty. If the resistance they met with had led to a further loss of life, their conduct would not have been the less justifiable. It is almost too obvious an observation to make, that if an army of American citizens had taken up a position on their side of the Niagara River, at a point where no island intervened, and had begun battering the houses and people upon our shore, and if this shameful aggression, with guns taken from the United States Arsenals, had continued for weeks, without any effectual interposition on the part of the American Government, Her Majesty's Subjects would have had an unquestionable right to attack the batteries, and disperse the lawless band which carried on this disgraceful warfare—and of course a right to attack any boat or vessel employed in their service, and carrying them guns or men. To call so necessary an act of self-defence a violation of neutrality, would of course be absurd—whatever insult or injury it would occasion to American territory must be ascribed to that portion of their own citizens who were in arms against their authority, and committing outrages on their unoffending neighbours. This being so, it can surely make no difference favourable to the United States, that the army of American citizens did, in this instance, first commit the gross wrong of taking forcible possession of British ground, that they might fire more effectually from thence—it was merely taking two steps in committing the injury, instead of one.

Your Excellency, I dare say, has not failed to observe that at a Criminal Court in the State of New-York, an indictment has been found for murder against Captain Drew, and others who are supposed (but some of them erroneously) to have been present at the capture of the *Caroline*. I cannot but believe that the American Government will feel it to be due, no less to their own character than to their relations with Great Britain, to interest themselves in arresting any such proceeding. The act was done by public authority, in the prosecution of a warfare to which this

Copy of Despatch from the Lieut. Governor to Her Majesty's Minister at Washington.

Province was driven by the outrageous aggressions of American Citizens. The British Nation is to answer for it, and not individuals zealously acting in her service.

Copy of Despatch from the Lieut. Governor to Her Majesty's Minister at Washington.

Your Excellency will have learnt from various channels, the occurrences which have taken place on our Western frontier, opposite to the State of Michigan. There a large force, stated in the newspapers of Detroit not to be less than 1,000, or 1,200 in number, with arms and artillery taken from one or more public arsenals, attempted to invade this Province—and did, indeed, actually possess themselves of the Island of Bois Blanc, in the River Detroit. With an armed schooner they commenced battering the town of Amherstburgh, and intended on the next day to have made a descent on the main land, but their further progress was arrested by the gallant conduct of some Militia volunteers, who attacked and boarded the schooner, and took several prisoners, together with the guns, arms, and military stores on board of her. A considerable military force is now stationed on our Western frontier.

I send you the Proclamations issued by Mr. Sutherland, an American citizen, who styled himself General of the 2nd Division of the Patriot Army—Van Rensselaer's band of ruffians, I suppose, forming the first. These will shew you the nature and object of the expeditions to whose attacks the people of Upper Canada have been exposed.

Among the prisoners taken on this last occasion, were several American citizens.

I need scarcely state to you, that the necessity of being armed at all points along our extensive frontier has occasioned an enormous expenditure to the British Government. The American Government, I perceive, has called on Congress to provide \$600,000 for the pay and outfit of a force necessary to keep down the excitement on the Niagara Frontier alone. You will readily understand, therefore, how much greater must be the expense which this Government is put to by the preparations necessary to meet attacks at various points. The hostile spirit manifested in Michigan appeared likely to be attended with more serious consequences than the movements along the Niagara frontier.

I send Your Excellency a copy of some correspondence which has taken place since Major General Scott's arrival at Buffalo. Fortunately the pirates have dispersed without any thing farther occurring that can give rise to controversy, and I have no doubt their removal was hastened by the active measures at length taken by the American Government, for preventing their receiving supplies of arms and provisions. It would give me pleasure if I could add, that, in the conduct of the American Militia stationed on Grand Island, or in the construction which the Officers of the American Government seem disposed to put on the relative rights of the two countries, under the extraordinary circumstances in which they were placed, I have discovered satisfactory proof of a spirit calculated to contribute to the restoration of permanent tranquillity.

When a people has been insulted and aggrieved, as the people of Upper Canada have been, it is not to be supposed that they can feel it necessary to perplex themselves with researches into books upon the Laws of Nations—they will follow a more unerring guide in obeying the irresistible instinct of self-preservation. By the cannonading from Navy Island three inhabitants of this Province have been killed—there is no extenuating circumstance which can make the offence less than murder; and if it can be claimed as a right on this, or upon other occasions, that the perpetrators shall be allowed to escape with impunity into the country from whence they came in an armed body, to commit these flagitious outrages—if it be maintained that to cross the line of division through the waters of the Niagara to destroy them, or to cut off their resources, is a violation of American neutrality, then it can only follow, that when the American people are suffered to commit such gross outrages upon the Province of Upper Canada, they must bring upon themselves the consequences of a public war, for unquestionably the right of self-defence will be exercised—it is not in the nature of things that it should be forborne.

I am on the point of being succeeded in the Government of Upper Canada by Colonel Sir George Arthur, and I cannot depart from the Province without offering to Your Excellency, on the part of its inhabitants, my most grateful thanks for your prompt and able interposition to protect them from foreign aggression. I have been extremely gratified by the earnest solicitude shewn by Your Excellency to discharge your delicate and important duties satisfactorily and with effect.—I can assure Your Excellency, that the people of Upper Canada feel deeply how much they are indebted to you, as the Minister of their Sovereign, for your conduct on this anxious and important occasion.

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

(Signed) F. B. HEAD.

His Excellency HENRY S. FOX, &c. &c. &c.,
Washington.

PROCLAMATION.

To the Patriot Army of Upper Canada.

COMPANIONS IN ARMS!

True courage is always accompanied with high honour, and with mercy to a subdued enemy.

We fight not for plunder, or power to oppress, but for liberty and sacred rights, and the common cause of all mankind.

Copy of Proclamations of T. J. Sutherland, commanding the pirates on Bois Blanc Island, (accompanying Lt. Gov.'s Despatch to Mr. Fox.)

T. J. Sutherland's
Proclamations.

Our friends have been plundered, and driven from their wives and daughters, dragged from their beds, and exposed to the most outrageous insults, and almost every part of our territory is groaning under the most insupportable tyranny.

To redress these wrongs we are assembled in arms. Let us behave like men who love justice, and scorn and defy oppression.

Soldiers of Liberty! In order to ensure success and a glorious victory, it will be necessary to enforce the most rigid military discipline.

No one, having joined the army, will be allowed, without permission of the Commanding Officer, to leave the ranks. Every desertion will be punished with death.

All orders must be strictly obeyed. No one must act, under any circumstances, but in obedience to the officer having command.

Every person NOT IN ARMS must be protected in his person from all harm.

All private property must be respected. Not a single infringement of private rights or possession will escape the most severe punishment.

No one not in arms or regularly enrolled, will be permitted to follow the camp. Every idler will be taken up and punished.

Companions and Soldiers!—We march to restore, not to destroy good order—to preserve, not to violate wholesome laws—to establish equal rights and justice, yielding to others as rigidly as we demand our own.

THO'S J. SUTHERLAND,
Brigadier General,
Commanding 2nd Div. Patriot Army, U. C.

Head Quarters, 2nd Division,
Bois Blanc, U. C., January 9th, 1838. }

PROCLAMATION.

To the Patriotic Citizens of Upper Canada.

You are called upon by the voice of your bleeding country to join the patriot forces, and free your land from tyranny. Hordes of worthless parasites of the British Crown are quartered upon you to devour your substance—to outrage your rights—to let loose upon your defenceless wives and daughters a brutal soldiery.

Rally then around the standard of Liberty, and victory and a glorious future of independence will be yours.

THO'S J. SUTHERLAND,
Brigadier General,
Commanding 2nd Division Patriot Army, U. C.

Head Quarters, 2nd Division,
Bois Blanc, U. C., January 10th, 1838. }

PROCLAMATION.

To the Deluded Supporters of British Tyranny in Upper Canada.

You are required to lay down your arms, and return quietly to your homes. The patriot army of Upper Canada desire not bloodshed. We fight only for liberty, and personal and public safety.

Your persons and property shall be protected, all your private rights preserved to you, your homes secured, your possessions untouched, on condition that you yield up your weapons, and return to your accustomed occupations.

You are now enjoying a moiety of liberty vouchsafed to you from motives of caprice or interest on the part of your rulers. We will secure to you all the blessings of freedom by a permanent and honourable tenure.

Avoid then the horrors of war. Enrage not soldiers already exasperated by oppression.—Save yourselves from confiscation. Cease resistance, and all will be well with you.

THO'S J. SUTHERLAND,
Brigadier General,
Commanding 2nd Division Patriot Army, U. C.

Head Quarters, 2nd Division,
Bois Blanc, U. C., January 10th, 1838. }

CORRESPONDENCE between Colonel the Honourable ALLAN N. MACNAB, and Major-General SCOTT, of the United States Army; together with the Deposition of SETH CONKLIN, a Citizen of the United States, in relation to the manner in which the American Authorities have observed the Neutrality of their Government upon the Niagara Frontier.

Copy of Correspondence accompanying Lt. Gov.'s Despatch to Mr Fox.

HEAD-QUARTERS, CHIPPEWA,
20th January, 1838.

SIR,

I have the honour to enclose, for the information of His Excellency the Lieutenant-Governor, the copy of the letter which I addressed to General Scott, remarking upon a correspondence between that officer and Captain Drew, of the Royal Navy, together with the verbal reply of General Scott, as detailed in the enclosed Report of Lieutenant-Colonel Bethune to me. This officer having been charged with my despatch to General Scott, I take the opportunity of acknowledging his services since he volunteered to accompany me while on this command.

Letter from Col. Macnab to Lt. Col. Strachan, transmitting copy of correspondence between Gen. Scott and Capt. Drew, &c.

I beg also to enclose the deposition made by a person of the name of Conklin, who was a prisoner among the rebels at Navy Island,—showing the manner in which the officer in command of the United States' Forces upon Grand Island has preserved the neutrality of his Government, in relation to the late disturbances upon this frontier.

I have the honour to be,

Sir,

Your obedient humble Servant,

(Signed)

ALLAN N. MACNAB.

Lieut. Col. STRACHAN,
Military Secretary.

[Copy.]

To the Commanding Officer of the Armed British Vessels in the Niagara.

HEAD QUARTERS, UNITED STATES' ARMY,
Eastern Division,
Two Miles below Black Rock,
January 15th, 1838.

SIR,

With His Excellency the Governor of New York, who has troops at hand, we are here to enforce the neutrality of the United States, and to protect our own soil and waters from violation.

Letter from Gen. Scott to Captain Drew.

The proper civil officers are also present, to arrest, if practicable, the leaders of the expedition on foot against Upper Canada. Under these circumstances, it gives me pain to see the armed vessels mentioned anchored in our waters, with the probable intention to fire upon that expedition moving within the same waters. Unless that expedition shall first attack, in which case we shall interfere, we shall be obliged to consider a discharge of shot or shells from or into our waters, from the armed Schooners of Her Majesty, as an act seriously compromising the neutrality of the two nations. I hope, therefore, that no such unpleasant incident may occur.

I remain, Sir, respectfully,

Your most obedient,

(Signed)

WINFIELD SCOTT.

HEAD QUARTERS, CHIPPEWA,
16th January, 1838.

SIR,

I have had the honour to receive your letter of the 26th instant, in which you state, "it gives you pain to perceive the armed Vessels of Her Majesty anchored in your waters, with the probable intention to fire upon that expedition moving within the same waters."

Letter from Capt. Drew to Gen. Scott, in answer to the above.

The object I have in view, is to prevent the rebels who have lately been in arms against Her Britannic Majesty upon Navy Island, and who have now taken shelter upon Grand Island, a territory of the United States, from effecting a landing in any part of the Province of Upper Canada; and for this purpose I have made such a disposition of the force under my command as will most effectually perform that service.

With reference to the Vessels of Her Majesty being anchored in your waters, I have always understood, that so long as Great Britain and the United States were at peace and amity, that the right of the full navigation of the River Niagara belonged to each power; and if I have suffered an infringement upon any international law, I beg you will do me the favor to refer me to it.

I have the honour to be,

Sir,

Your most obedient humble Servant,

(Signed)

ANDREW DREW,

Commander in the Royal Navy.

Commanding Naval Brigade.

To General SCOTT, &c. &c.,
Commanding the Forces of the United States,
&c. &c. &c.

Letter from Col. Macnab
to Gen. Scott, comment-
ing on Gen. Scott's Letter
to Capt. Drew.

[Copy.]

HEAD QUARTERS, CHIPPEWA,
18th January, 1838.

SIR,

The correspondence which has taken place between you and Captain Drew, of the Royal Navy, during my short absence from this frontier, where I have the honour of commanding Her Majesty's Naval and Militia Forces, having been laid before me by that Officer, I beg to offer a few observations upon it.

You state that you, with His Excellency the Governor of New York, are near Black Rock, with troops at hand, to enforce the neutrality of the United States, and to protect your own soil and waters from violation: that the proper civil authorities are also present, to arrest, "if practicable," the leaders of "the expedition" on foot against Upper Canada: that under these circumstances it gives you "pain" to perceive the armed Vessels of Her Britannic Majesty anchored in your waters, with the probable intention to fire upon that "expedition" moving within the same waters: that unless that expedition shall first attack, in which case you will interfere, you will be obliged to consider a discharge of shot or shells "from or into" your waters, from the armed Schooners of Her Majesty, as an act seriously compromising the neutrality of the two nations: that you hope, therefore, that no such unpleasant incident may occur.

With regard to your views of the right of the expedition referred to, to pass up the Niagara River near your shores, unmolested by the forces under my command, I beg to enter my most decided protest. The waters of the Niagara River, for the purposes of navigation, are, as Captain Drew has very properly said, common to the inhabitants of Great Britain and the United States, so long as these powers are at peace with each other; and that being the case I cannot understand why the Schooners under my command, and anchored in the River, have not the right to capture and destroy any expedition on foot against Upper Canada, and moving upon the waters of that River, whether on the one side or on the other, or exactly in the centre of the stream. My own opinion is, that they have that right; and had it not been for an unfortunate misapprehension of the orders given by Captain Drew to the Officer in command of the Schooners, that right would, most assuredly, have been exercised.

The second paragraph of your letter appears to me so much at variance with that neutrality which, in my humble opinion, should be observed upon the present occasion by officers of the United States, that I cannot refrain from making a remark or two upon it.

I cannot understand why it should give an officer of a neutral power "pain" to observe an intention on our part to punish the actors in an "expedition on foot" against this Province. It appears to me that such an intention should rather give pleasure than pain to an officer situated as you are, who really desired to see the rebellion against the constituted authorities of Upper Canada put down; more particularly as the majority of the persons concerned in the hostile expedition were citizens of your own country, and were, in fact, in the situation of mere banditti.

I regret to observe an evident intention, on the part of the authorities of the United States, stationed on the Niagara Frontier, to screen the guilty actors in this disgraceful outrage against the laws, as well of Great Britain as of the United States, otherwise we should not hear those authorities speak of the "practicability" of arresting the leaders of that expedition, when so completely in their power as those men are who lately occupied Navy Island.

I had, on the 11th instant, the honour to address Commissary-General Arcularius, or the officer in command of the United States Militia Forces on the Niagara Frontier, upon the subject of an outrage committed by the Militia Force of the United States, stationed upon Grand Island, on Lieutenant Elmsley, of the Royal Navy, and the boat's crew under his command,—but I have not as yet received any answer to my communication upon this matter. I may now briefly state, that the outrage complained of was the firing upon Lieutenant Elmsley by the Militia Force alluded to, and directly under the American flag.

I trust that you will cause an investigation of this serious charge to be made,—and I have the honour to request that the result of your inquiries into this matter may be communicated to me with as little delay as possible.

I beg also to refer you to the correspondence that took place, on the 13th instant, between Col'nl Iron Ayer, of the 48th Regiment, 47th Brigade, New York Militia, and myself, in relation to certain complaints made by that officer to me, in order that the same may be laid before the proper authorities in the United States for investigation,—as I have no desire to conceal from the world any part of my conduct whilst in command of Her Majesty's Forces upon this Frontier.

I have the honour to be, Sir,

Your most obedient humble Servant,

(Signed)

ALLAN N. MACNAB,

Colonel Commanding Militia & Naval Forces,

Niagara Frontier.

To

Major-General Scott,

United States Army,

&c. &c. &c.

[Copy.]

HEAD QUARTERS, CHIPPEWA,
Friday Night, January 19th, 1838.

Sir,

I have the honour to report to you, that I proceeded to Buffalo with your Despatch to General Scott, of the United States Army, where I had the honour of an interview with that Officer this morning.

Letter from Lt. Colonel Bethune to Col. Macnab, reporting delivery of Col. Macnab's letter to Genl. Scott.

After General Scott had perused the Despatch, he desired me to inform Colonel Macnab, that at a convenient time he would answer his despatch in writing—that at present he could only do so verbally. General Scott then remarked that it was evident Colonel Macnab was desirous of drawing him into a correspondence, for which he had no leisure at present, as his time was wholly occupied in endeavouring to preserve the neutrality of the United States during the existing disturbances on our frontier;—that Colonel MacNab might have leisure for maintaining such correspondence, but he (General Scott) had not;—and that he had been so employed in maintaining the neutrality of the United States, two officers of the British Army then in the house (American Hotel) could testify.

I have the honour to be, Sir,
Your most obedient humble Servant,
D. BETHUNE.

To Colonel
The Hon. ALLAN N. MACNAB,
Commanding Militia & Naval Forces,
Niagara Frontier.

[Copy.]

DISTRICT OF NIAGARA, } SETH CONKLIN late of Syracuse, in the State of New York, but
to wit: } now of Chippewa, in the Province of Upper Canada, Miller, deposesh
upon oath, and saith, that he went to Navy Island on Sunday the seventh of January instant; that he left the Island on the following morning; that he was taken up by a party of the Militia of the State of New York, stationed on Grand Island; that he was accused by said Militia of being a spy on Navy Island, when a sergeant of said Militia held a pistol to deponent's breast, and threatened to shoot him, and at the same time five or six of his men seized deponent and dragged him to a boat, in which they attempted to put him, for the purpose of taking him over to the Patriots on Navy Island; that at the earnest entreaty of deponent, he was taken back to the Commanding Officer on Grand Island, Colonel Ayer, by whom he was questioned as to where he had been, and why he had been at the Island; that Colonel Ayer then ordered him to be searched, upon which he claimed protection of Colonel Ayer as an American citizen; and Colonel Ayer said he should be protected, and gave him in charge of a sergeant, who kept him a prisoner till after dark; that Major Chase, of the Navy Island Patriots, then came from the Island to sup with the United States Militia Officers, when another Colonel of the United States Militia—a tall man, with a dark complexion—told deponent that he must return to the Island;—that deponent again claimed from this officer protection as an American citizen, but that he replied—"You shall go immediately, and if you hesitate we will force you." He said further, that if deponent remained on Grand Island he would be shot, and that if any disturbance occurred concerning him, he, the Colonel, would shoot him with his own hand. That when Major Chase, of the Navy Island Patriots, demanded deponent, the last mentioned Colonel said that he might take him; that deponent again claimed protection as an American citizen, when Major Chase said, if deponent was allowed to remain on Grand Island he would escape and inform the British of the state of Navy Island; that upon this, fifteen or twenty of the United States' Militia declared that deponent should go, but that the sergeant who had him in charge wished that, to satisfy General Van Ransselaer, he might be sent to Buffalo Gaol, to which deponent consented; that the rest of the Militia insisted upon his going to Navy Island, and that he entreated of them not to send him there, alleging that he would certainly be shot before he got there; that the sergeant then proposed for him to choose three men of the guard to accompany him. Deponent fearing that he should be murdered before he got there, did choose three men to accompany him, and he was taken by five Militia men, namely, a sergeant and four men of the United States' Militia, in company with Major Chase, and delivered by them at General Van Ransselaer's quarters, in charge of Major Chase. Major Chase told the sentries at the head of the Island to allow the boat which brought over deponent to pass, as it was a friendly boat. That deponent remained a prisoner upon Navy Island until the Patriots evacuated it, during which time he was kept in close confinement, in a house on the South front of the Island, which was open to the fire of the British guns; and that three of their shot passed through the house while he was confined there.

Affidavit of Seth Conklin.

(Signed) SETH CONKLIN.

Sworn before me, at Chippewa, }
this 18th day of January, 1838. }

(Signed) SAMUEL STREET,
J. P.

[Copy.]

CHIPPEWA, 21st January, 1838.

SIR,

Letter from Col. Hughes to Col. Foster, communicating further correspondence with Gen. Scott.

I have the honour to enclose the last communication between myself and General Scott, Commanding the United States Troops at Buffalo, which last answer I have only now received, and of which I request you will inform his Excellency the Lieutenant Governor.

I herewith forward the same to the Lieutenant General.

I have the honour to acknowledge the receipt of your letter of the 19th instant.

I have ordered twenty-five men of the Artillery to proceed to Niagara to-morrow morning, to embark for Toronto, under Captain Glasgow, and have given directions to Lt. Cameron, R. A., that the Ordnance and Ordnance Stores may be forwarded to Toronto, agreeably to your orders.

Lt. Crowley, R. E., is at present at Niagara, for the purpose of inspecting and reporting to you the state of Fort Mississagua; and I agree with you that a Subaltern of the Royal Artillery should, for the present, be stationed there, and more Artillerymen then will remain from those to be taken by Captain Glasgow, on account of the number of guns which you propose to leave there.

I have, &c.

(Signed)

C. HUGHES,

Lt. Col. 24th Reg't,

Lt. Col. Commanding Niagara Frontier.

COLONEL FOSTER,

Commanding in Upper Canada.

[Copy.]

CHIPPEWA, January 10th, 1838.

SIR,

Letter from Col. Hughes to Gen. Scott.

Captain Drew, of the Royal Navy, who commands the Naval Department here in the service of Her Majesty, has just informed me that he has received a letter from you, stating that Her Majesty's Schooners are anchored in the waters of the United States, and that you anticipate a breach of neutrality between the two Nations.

I have the honour to inform you that the Rebels in arms against Her Majesty's Government abandoned Navy Island on the night of the 14th instant,—that their arms and munitions of war are now on board the Barcelona Steam vessel, in the port of Whitehaven, Grand Island, and that it is the intention of the Rebels to proceed in the same Vessel to effect a landing in the Western part of Upper Canada; under these circumstances it is my duty to watch the Rebels, and to endeavour, by every possible legal means, to arrest their progress, and to prevent their carrying their designs against Her Majesty's Government into execution.

If, however, to prevent the possibility of the breach of neutrality which you apprehend, you will undertake to stop the said Steam-boat, or any other Vessel which may be employed in the same cause, and have her examined, to ascertain whether or not they have any of the Rebels on board lately in arms upon Navy Island, or any of their Arms or Munitions of War,—I will immediately give Orders that Her Majesty's Vessels shall merely remain in the Niagara River as a Squadron of Observation, and without interfering in any manner with any Vessel that may pass or repass upon any business whatever.

I am, &c.,

(Signed)

C. HUGHES,

Lt. Col. Commanding 24th Reg't,

Lt. Col. Commanding Niagara Frontier.

Major General Scott,

Commanding U. S. Army,
Buffalo.

[Copy.]

HEAD QUARTERS,
Eastern Division, U. S. Army,
Buffalo, January 20th, 1838.

SIR,

Letter from Gen. Scott, in reply.

I had the honour to receive, by the hands of Captain Maitland, your letter of the 16th instant, which enclosed one of the same date from Captain Drew, of the Royal Navy, and I have since received the communication of Colonel MacNab, Commanding Her Majesty's Militia and Naval Forces on the Niagara Frontier, dated the 18th.

I begged Captain Maitland to offer you my numerous and pressing engagements as an apology for my not giving at the time a more formal acknowledgement of the first and second notes, and the same apology was repeated through Captain Glasgow, whom I have since had the pleasure to receive as a visitor. Both Captains Maitland and Glasgow had opportunities, and I was pleased that it was so, to witness the character of my occupations, which had for object the defeat, by harmonizing all the authorities, civil and military, both of the General and State Governments, of the hostile expedition on foot, within our jurisdiction, against Her Majesty's neighbouring Province.

From the measures taken, and ready to be applied, I am happy to repeat what I orally communicated through Captains Maitland and Glasgow, that I entertain a well grounded hope that we shall be able to prevent the embarkation of any considerable portion of the men and arms of that expedition on this side of Cleveland, and Brigadier General Brady, U. S. Army, under my command at Detroit, has taken measures, in conjunction with His Excellency the Governor of Michigan, to maintain the obligations of neutrality in that quarter.

Letter from Gen. Scott.

At this place I think we shall certainly be able to prevent any hostile embarkation, and the Steamer *Barcelona* has already been out, and will proceed again, the moment the wind shall permit, with a detachment of U. S. Troops, and the proper civil Officers, as high up the lake as Dunkirk, looking into Cataragus and Silver Creeks on the way;—another and a better Steamer, the *Robert Fulton*, will follow to-night, or early in the morning, with a larger detachment. The latter may go as far as Detroit, and certainly, the weather permitting, as high as Cleveland. The object of both boats and detachments is the same:—to prevent the embarkation of the hostile expedition.

As was explained to Captains Maitland and Glasgow, my powers to effect that object have been much enlarged since I had the honour to address to you my former note; and we (the Civil Authorities and myself) are daily in the expectation of receiving a new Act of Congress, giving us yet more ample authority.

The Steamer *New England*, lying in this port, and understood to be engaged to take off portions of the hostile expedition from points above, we hope to find the means of detaining. I have, in the act of writing this sentence, the further hope of hiring and taking her into the service of the United States.

I give these details in the spirit of national amity, and in the sincere hope that the neutral relations of the two countries may long be maintained.

It is with reluctance that I advert, and shall merely advert, to certain points in the three communications acknowledged above.

I cannot stipulate, as you have proposed, as the price of your respecting the sovereignty of the United States, to stop the *Barcelona*, or any other vessel which may be employed in the same cause, and have her examined to ascertain whether or not they may have any of the Rebels on board lately in arms upon Navy Island, or any of their arms or other munitions of war:” and so I said orally through Captain Maitland, and added,—That whilst I should be happy to do all that our laws would permit, to maintain our neutral relations with Great Britain, I had another high duty to perform,—that of preventing, by all the means I could command, the violation of the sovereignty of the United States.

I said, in my note of the 15th instant, to the Commanding Officer of the armed British Vessels in the Niagara,—“that it gave me pain to perceive the armed Vessels anchored in our waters with the probable intention to fire upon the expedition moving within the same waters,” and that I should be obliged to consider a discharge of shots or shells *from* or *into* our waters, from the armed Schooners of Her Majesty, as an act seriously compromising the neutrality of the two nations.

Captain Drew, in the reply which I am thus acknowledging, has been pleased to mistake my point, and to raise another which certainly in time of peace no functionary of the United States will ever question, viz.: the common right of both nations to navigate in all their breadth the waters of the Niagara.

Colonel MacNab, who will pardon me for not addressing myself directly to him,—indeed I have not the time without neglecting some urgent duty of neutrality,—has opened upon me a wider field of complaint and controversy. What may be his peculiar views of international Law, as applicable to recent and present circumstances on this frontier, I have, in the way of discussion, nothing to do. That code is also open to me, and I shall not fail, regardless of his admonitions, to apply it to current events.

I will however state to you in the spirit of amity, that I knew, when the Steamer *the Barcelona* was on the 15th, 16th, and 17th inst., passing up from Grand Island to this Port, she had no part of the *personal* or *material* of the hostile expedition on board.

Colonel MacNab tells me “that for the unfortunate misapprehension of the orders given by Captain Drew,” that that vessel, (she alone passed up) would have been assailed. More pacific than the Colonel, I shall call that misapprehension a most fortunate event, and only regret that some equally kind influence did not preside over the friendly relations of the two countries on the night of the unhappy affair of the *Caroline*.

As to the alleged discharge of arms from Grand Island, on the 13th inst., by a party of New York Militia, upon the boat of Lieut. Elmsley, of the Royal Navy, and the correspondence which ensued between Colonel MacNab and Colonel Ayers of the New York Militia, on the subject, I have no knowledge, except through Colonel MacNab. I shall enquire for that Correspondence, and refer the whole subject for investigation to the proper State authority now present, only remarking at this time that Col. Ayers was not then, nor is yet, taken into the service of the United States, or under my command. I have no doubt that all that is proper will be done in the case, and to that end I shall give my attention.

General Arcularius, who has, I know not how, got into correspondence with Her Majesty's authorities on this Frontier, has, I believe, returned to Albany. He held no command on this Frontier, either under the State or General Government,—being here, as I learn, as the agent of the former to claim and to get possession of certain arms purloined from the State Arsenal. Many of those cannon and muskets have already been recovered, and we hope soon to recover the remainder.

Letter from Gen. Scott.

I have received a note from Lewiston, stating that a ferry-boat belonging to that place and Queenston, has, for some cause or other, been detained on your side of the river, to the great inconvenience of our people in that neighbourhood. I make no complaint on the subject, because I am ignorant of all the material circumstances; but will suggest whether it may not contribute to the restoration of good feelings on both sides to permit the ferry-boat to resume her usual trips,—particularly as I think I can assure all the Navy Island People have advanced up the country to this place and beyond.

I have the honour to remain, &c.

(Signed)

WINFIELD SCOTT.

Colonel C. HUGHES,

*British Army,
Commanding, &c. &c. &c.*

PS.—I have engaged the New England, and a party of troops has just gone down to take possession of her. The hostile expedition can now obtain no boat this side of Erie.

W. S.

[Copy.]

HEAD QUARTERS,

Chippewa, January 19th, 1838.

SIR,

It becomes my painful duty to report to you, for the information of His Excellency the Lieutenant Governor, that since I had the honour of commanding the Militia and Naval force upon this frontier, three of our brave and loyal Militia have unfortunately lost their lives in the service of their country against the Rebels and their piratical allies upon Navy Island.—They were all killed by gun-shot wounds.

It cannot but become the imperative duty of His Excellency, as I am sure it will be his inclination, to communicate to our Ambassador at Washington this additional proof of the disgraceful and murderous conduct of those Citizens of the United States who associated themselves with Mackenzie upon Navy Island, under the command of Van Rensselaer, who has been recognized by some of the authorities of the United States as a General.

I have the honour to be, &c.,

(Signed)

ALLAN N. MACNAB,

Col. Commanding M. and N. Forces.

LT. COL. STRACHAN,

&c. &c. &c.

Toronto.

[Copy.]

AMHERSTBURGH, January 10, 1838.

SIR,

I beg to state, for the information of His Excellency the Lieutenant Governor, that on the 9th of January, 1838, the Schooner "Anne" of Detroit, in the service of the Rebels occupying Bois Blanc Island, was lying in the channel between the Island and Fort Malden. At dark it was perceived she neared the shore. On receiving this information I reinforced the guards and pickets, and called the garrison to arms: the vessel then got under way and passed the Town, into which she threw some round shot and grape; I immediately expected she would land men at a place called the Point, and exactly opposite the Light House at Bois Blanc, and ordered the men to proceed to that point, where I had a guard of 20 placed, and reinforced by an out-lying picket of 40 men. The vessel came close up to the shore and commenced firing grape and round shot, and musketry; the Militia opened a brisk fire, and the Schooner ceased firing, when it was thought by some that she was willing to surrender; however as she would not pull down the flag our men boarded her, although up to their arms in water.

The General (Dr. Theller) was at that moment in the act of reloading the six pounder they had on board—Captain Lang, of the Lake Merchant Navy, took the cartridge out of the mouth of the gun—Mr. Ironside, acting Captain of Militia, took the flag. We found on board 21 persons, 1 killed, 8 wounded, 12 prisoners, 3 pieces of cannon, not very useful, about 200 stand of arms, buff cross belts, ammunition, but of this but a small supply. When I receive a return you shall be informed more at length.

I have given directions to set fire to the Schooner as soon as all the stores are taken out of her. I have just been informed that the enemy has got a Steamer from Detroit, called the Erie; the Rebels seized her, and the Mayor or Governor ordered her to be retaken, but the Rebels refused; the City Guards did not give them any further trouble, in fact every thing is done in this way; the Rebels have taken 6 pieces of cannon from Detroit in the same way, and they are now on board the Macomb steamer at Detroit, and of course will be employed against us to-morrow.

One of our scouts has just come in to say, that he supped in company with some Rebels at Gibraltar Point last night, and they there said that it was their intention to attack Sandwich this night; that they would divert us by a show of passing about the channel, but the object was Sandwich.

I am now informed that the Erie Steam-boat has passed between Bois Blanc and Sugar Island,

Letter from Col. Macnab to Lt. Col. Strachan, communicating loss of three lives.

Letter from Col. Radcliffe, to Col. Strachan, respecting the capture of the "Anne."

and has discharged some cannon; I have ordered reinforcements to this point, and if I hear that they are coming nearer I shall beat to arms. This seems to be our weakest point, and I wish His Excellency would send a Company or two of the Line to assist. I have just had a letter from Colonel Hamilton at Windsor, saying that he had been well informed that the Rebels intended to attack Chatham this night; and if the water was not sufficient to take them up, that they would try Windsor or Sandwich.

Letter from Col. Radcliffe.

This end of the country is very much exposed, and should be attended to in time. I have issued orders to send 100 men to Sandwich, to assist there in case of attack.

I should be glad to know if His Excellency wishes to employ the Indians.

I have sent the prisoners to London Gaol.

Your obedient Servant,
THO'S. RADCLIFFE,
Col. Commanding Western District Frontier.

N. B.—The "Anne" of Detroit, is aground, but have not yet burned her.

Lieut. Col. STRACHAN,
Military Secretary.

[Copy.]

SANDWICH, U. C.,
 6th January, 1838.

Copy of correspondence between Lt. Col. Prince and the State Authorities of Michigan, respecting the Schooner "Anne."

To His Excellency STEVENS T. MASON,
Governor of the State of Michigan,

DEAR SIR,

As the organ of the Magistrates hereby, and their desire, I lose not a moment to inform you that from clear and unquestionable authority, who were eye witnesses to the fact last night, we learn that a Schooner laden with arms, ammunition, provisions, and from 80 to 100 men, left Detroit this morning, on her way down the river, with the intention of either attacking this frontier, or taking possession of the Islands belonging to our Sovereign called Bois Blanc and Fighting Island, or one of them.

Letter from Col. Prince to Governor Mason.

The Schooner, I am informed, is called "The Anne;" she is at this moment slowly proceeding down the River and close upon your side, below Spring-Well, and is towed by a boat with several men in it. She has also two cannon on board. I am also credibly informed that a large body of men are met at Fort Gratiot for the express purpose of joining the rebels and fugitives from this country, and that the Steam Boat "Macomb" has proceeded from Detroit to afford them succour, and we are also correctly informed that our enemies possessed themselves last night, from the Gaol in Detroit, of a large quantity of arms, and also of a waggon load of gunpowder from the powder-house in your city. We are further correctly informed, that they are raising volunteers, arms, and ammunition at Munro to support the rebels and their adherents.

We rely on the sincerity of your declaration, that you, as chief Magistrate of the opposite State, will do all in your power to preserve the peace, to prevent your people from committing a breach of their laws, and to maintain the amity which at present subsists between Great Britain and the United States.

We beg leave to repeat our former assertion, that we are prepared for any attack; but we again earnestly call upon you to take such immediate and energetic steps as will prevent bloodshed and secure the peace of your countrymen and ours from being broken and destroyed. We at the same time beg to assure you that no exertions on our part shall be wanting to attain that very desirable object, but unless prompt and immediate steps are taken, we will not conceal from you our firm conviction that hostilities will have commenced and blood be shed within the next few hours.

I have, &c.,
 (Signed) JOHN PRINCE.

DETROIT, January 6th, 1838.

DEAR SIR,

Your favour of this morning has been received; I most sincerely regret that matters are assuming so serious an aspect on our Borders. We have despatched a Marshall* to seize the Schooner now proceeding down the River. The Macomb was stopped, her Captain arrested, and her laden examined, but nothing could be found to justify detaining her in Port. A Deputy Marshall has been despatched to Monroe and one to Fort Gratiot, with authority to call out the power of the respective Counties to arrest all persons found in Arms. A meeting of our Citizens will be held at 3 o'clock this afternoon, to enroll a Volunteer force to aid in enforcing the Laws in this City. I need not again express my determination to do all in my power to prevent the violation of the amity now existing between our Governments.

Letter from Gov. Mason to Col. Prince, in reply.

Very Respectfully,
 I am, &c.,
 (Signed) STEVENS T. MASON.

JOHN PRINCE, Esquire, Sandwich.

*N. B.—The Marshall did go down with about 25 *unarmed* men—when he got within hail of the Schooner they cautioned him and his party not to come within thirty rods of her, stating that she knew nobody, and would not recognize any Law or people—and that if he and his boat advanced nearer they would fire on him. He then returned to Detroit the same evening.

Remarks of Col. Prince on the above letter.

(Signed) J. PRINCE.

BOIS BLANC ISLAND,
Malden, 8th January, 1838,
6 o'clock A. M.

Governor MASON, &c.

DEAR SIR,

Letter from Col. Prince
to Governor Mason.

On the return of the Steamboat Boat "United" from her unsuccessful attempt last Saturday to bring back to Detroit, Schooner "Anne," pursuant to Your Excellency's Instructions, three companies of our Militia, besides several volunteers (of whom I form one) proceeded to Amherstburg with a view of defending that town and in hopes of meeting the Rebels and their adherents and supporters at this place.

But I regret to say that we have for the present been disappointed: I however deem it proper to inform Your Excellency, as Governor of the State of Michigan, that the above-mentioned Schooner was at anchor last evening opposite the lower end of Grose Isle at a wharf near Gibraltar, and that she had on board some hundred stand of arms, being no doubt the same arms of which she possessed herself from the Gaol at Detroit. There are moreover many hundreds of our enemies there, and they have some heavy cannon which they fired about ten times last evening and twice during the night: all these facts are within our knowledge. From the conversation which my friend Mr. Charles Baby had with your Excellency on Saturday last, I was greatly in hopes that the Schooner and her cargo as well as many of her crew would ere this, have been taken under your authority and dealt with according to law.

I now, with the concurrence of my brother Magistrates, beg to enquire whether Your Excellency will permit our forces on this side to attack the Schooner* with a view of taking her and those who may attempt to defend her.

If you consent to this our request we will at once proceed to the attack; and we solicit this favour at your hands because we are unwilling to commit any act which may be construed into aggression, or a breach by us of that amicable understanding which subsists between our Government and yours, notwithstanding our conviction that the men, and schooner, and arms in question, are intended to act hostilely towards us.

Mr. Mercer (one of our Magistrates) has undertaken to deliver this to Your Excellency, and a reply to him will be thankfully received by

Your Excellency's most obedient Servant,

(Signed)

JOHN PRINCE.

Remarks of Col. Prince.

*N. B. She was at this time anchored on the *American* shore and it was with the utmost difficulty that I was able by my advice, to restrain our men (officers and all) from going from Amherstburg in a large schooner to attack and capture the Anne so lying on the opposite side.

(Signed)

JOHN PRINCE.

ADJUTANT GENERAL'S OFFICE,
Detroit, January 8th, 1838.

TO THE CIVIL AUTHORITY OF
SANDWICH, U. C.

Letter from Adj. General
of Michigan to the Civil
Authority of Sandwich.

I have the honour to inform you, by direction of His Excellency the Commander in Chief, that by Twelve o'clock at noon this day, the Steam-boat Erie and General Brady will leave this City with a sufficient armed force to proceed to the mouth of this River to enforce the Laws of the United States against armed men who attempt a violation of the same.

This communication is given with the view of informing you of the fact that His Excellency the Governor is with the Detachment, and will do all in his power to allay this unfortunate excitement, and that you may understand this movement.

Very respectfully, Yours,
(Signed)

J. E. SCHWARY,
Adj't Gen'l Michigan.

Remarks of Col. Prince.

N. B.—This movement was not attended with any good result.

(Signed)

JOHN PRINCE.

TO HIS EXCELLENCY STEVENS T. MASON,
Governor of the State of Michigan.

AMHERSTBURG, U. C., 9th January, 1838.
4 o'clock, A. M.

DEAR SIR,

Letter from Col. Prince
to Governor Mason.

I presume that you have received my letter of yesterday's date. The enemy commenced her attack upon us about sunset last evening, by firing two cannon shots. Her force, we are informed, consists of the Schooner or Sloop believed to be the "Anne," referred to in my former letter; also two Scows, and divers boats, a large Schooner, 3 field pieces, two twelve pounders, and one six pounder, besides a large quantity of arms and some hundreds of men. One Schooner, the "Anne," sailed up in front of Amherstburgh along the British channel, between the Town and Bois Blanc, this evening; our people fired upon her (knowing her to be the enemy) and she returned the salutation by two cannon shots. The Steam-boat United, which was very innocently bringing down some passengers* from Sandwich to Amherstburgh, was also complimented with two musquet shots from (as it is supposed) one of two American Steamers proceeding up the River. The Schooner supposed to be the "Anne," then steered from Amherstburgh round the

Northern end of Bois Blanc, and there are lights on Hickory Island, which induce a belief by us that she has moored near her the Scows and small boats above referred to.

We assume that the enemy will possess himself (if he has not already done so) of Bois Blanc forthwith. He is lying at anchor opposite to us. We have no hesitation in pronouncing him to be regardless of all Laws, and a plunderer, and Pirate.

My object is to secure him to make him amenable to the Laws of this Country, and in the name of the Civil Authorities of Upper Canada, as well as in the name of common justice, I now call upon Your Excellency, as the Governor of Michigan, to assist us, the subjects of your natural ally, in preventing this enemy from touching upon, or holding any intercourse with the shores of Michigan, whereby we hope to be enabled to capture her, and to bring her to that bar of justice which will deal with her according to her merits.

I have, &c.,

(Signed)

JOHN PRINCE.

* Colonel Radcliffe, the Commandant here, among others.

(Signed)

J. P.

[Copy.]

DETROIT, *January 9th, 1838.*

DEAR SIR,

Your letter of this date has been received and laid before the District Attorney of the United States. For your further information, I enclose you the copy of a letter, which I have addressed to the Magistrates of Sandwich in reply to their communication of the same date.

Letter from Governor Mason, in reply.

Very respectfully, &c.,

(Signed)

STEVENS T. MASON.

To JOHN PRINCE, Esquire,
Sandwich, U. C.

OFFICIAL.

EXECUTIVE DEPARTMENT,

Detroit January 9th, 1838.

GENTLEMEN,

The controversy now pending in Upper Canada and immediately on the frontier of this State is beginning to assume so serious a character that I deem it my duty officially to communicate to you my position, relations, and duties in the premises.

Official communication from Governor Mason to Col Prince, respecting the state of affairs on the frontier.

Heretofore I have, as an individual, rather than in my official capacity, expressed to you and others my desire to preserve the friendly relations existing between the Government of the United States and that of Great Britain; but in the ground now taken, I maintain the position of Governor of a Sovereign and Independent State of the American Confederacy.

I will abide by it and give you my assurance that I will not abandon that position. You are perhaps well aware that the General Government of the United States is composed of separate and independent States with certain delegated powers to the Federal Head. Amongst these delegated powers are all the relations of peace and war and intercourse with foreign nations. In furtherance of the powers which have been surrendered by the States, the General Government have enacted certain laws for the preservation of neutrality and the guarantees of the faith of treaties between itself and other Governments. The execution of these laws does not belong immediately to the State Authorities, but is vested in a District Judge, District Attorney, and Marshall of the United States; when these Officers call on me, as the Executive of the State of Michigan, conveying the information that the process of the United States Courts cannot be enforced without Executive aid, my Official duties begin, and not till then; but on every occasion, when the contingency stated arises, you will find the constituted Authorities of Michigan prompt and ready to discharge every duty incumbent upon them by the Laws of their Country.

In obedience to the Requisition made on the Executive of this State, I have ordered the Marshall of the United States for this District to enforce the process of this Court, and have dispersed the armed force* stated by you to have been assembled within the Jurisdiction of this State, in violation of the Acts of Congress of the United States. It will, therefore readily occur to you, that all further communication on this unpleasant subject must be addressed to the District Attorney of the United States. In reply to the immediate enquiries† of your letter, I must state that whilst all persons proceeding from this State, and found in arms within the jurisdiction of the Province of Upper Canada, have lost all claim to the protection of the Laws of the United States and of this State, and whilst all intercourse between the United States and Foreign Powers belong to the Federal Government,—I cannot permit, without resistance, any invasion upon the soil of the sovereign and independent State over which I preside as Chief Magistrate.

I am respectfully, &c.,

(Signed)

STEVENS T. MASON.

* They were dispersed for a few hours, but soon all collected together again.

(Signed)

J. PRINCE.

† Meaning my request that he would allow us to attack and take the Schooner anchored on their shore.

(Signed)

J. P.

(FOR ACCOUNT OF POST OFFICE REVENUE—See Appendix.)
(FOR DOCUMENTS RELATING TO THE AFFAIRS OF THOS. WILSON & Co.—See Appendix to Report of Finance Committee.)

On motion of Mr. Solicitor General, seconded by Mr. Bockus,
Ordered—That an humble Address be presented to His Excellency the Lieutenant Governor, thanking him for his several Messages of this day ;— and that Messrs Chisholm of *Halton* and McLean be a Committee to draft, report, and present the same.

Address of thanks ordered.

On motion of Mr. Sherwood, seconded by Mr. Rykert,
Ordered—That when this House adjourns, it do stand adjourned till Wednesday morning at Ten o'clock.

House, when it adjourns to stand adjourned till Wednesday.

On motion of Mr. Cartwright, seconded by Mr. Gamble,
Ordered—That the Documents transmitted by His Excellency this day, respecting the arrangement made by the Receiver General with Messrs. Thos. Wilson & Co., and Messrs. Glynn & Co., be referred to the Committee on Finance.

Documents respecting Thomas Wilson & Co. referred to Finance Committee.

On motion of Mr. Cartwright, seconded by Mr. Armstrong,
Ordered—That the Bill to dispense with the necessity of Notice on Bills and Notes past due, be restored to the order of the day.

Bill to supply want of notices on notes past due, restored to order of day.

The House then adjourned till ten o'clock, A. M., on Wednesday next.

Wednesday, 7th February, 1838.

The House met, pursuant to adjournment.

The minutes of Monday were read.

The following Petitions were severally brought up, and laid on the table :—

Petitions brought up:

By Mr. Malloch, the petition of Thomas B. Wragg, and five others; and the petition of George T. Denison, Esquire, and nine hundred and five others, of certain Townships in the Home District.

T. B. Wragg and 5 others.
G. T. Denison, Esq., and 905 others.

By Mr. Prince, the petition of Duncan McGregor, Esquire, and thirty-four others of the Western District.

D. McGregor, Esq., and 34 others.

By Mr. Sherwood, the petition of A. Jones, and forty-five others, of the County of Grenville.

A. Jones and 45 others.

And by Mr. Merritt, the petition of Alpheus S. St. John, Acting Commissioner for the Grand River Bridge at Dunnville.

A. S. St. John.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor, for further information respecting the aid to the Upper Canada Academy, was read the third time and passed, and is as follows :—

Address for further information on aid to U. C. Academy, read 3rd time and passed.

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

MAY IT PLEASE YOUR EXCELLENCY :

We, Her Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to transmit to this House any Documents in Your Excellency's possession, relative to the aid to the Upper Canada Academy, other than those sent down by Your Excellency's Message of the 29th ult.

Address.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly, }
7th February, 1838. }

Pursuant to the order of the day, the Bill to provide for the regulation and support of Common Schools, was read the third time.

Common Schools regulation bill read 3rd time.

On the question for passing the bill,

In amendment, Mr. Burwell, seconded by Mr. Thomson, moves that the Bill do not now pass, but that it be amended by striking out the words "Fourteen thousand four hundred," and inserting the words "Eight thousand five hundred and fifty," in the 6th clause.

Amendment moved.

Which was carried.

Carried.

Pursuant to the order of the day, the following Petitions were read:—

Petitions read:

Of James Stanton, of the District of Niagara, praying that a certain deficiency in his salary, while Clerk to the Executive Council Office in 1836, may be made good to him.

James Stanton.

Of John Williamson and seventy-five others, of the Townships of Saltfleet and Barton, District of Gore, praying for a grant of £20,000 to Macadamize the road leading from Hamilton to Grimsby.

J. Williamson & 75 others.

Of Elijah Wells, of the Township of Blandford, (Oxford,) praying to be naturalized.

Elijah Wells.

Of Duncan Campbell, and two hundred and fifty-eight others of the District of Talbot, praying for a sum of money to turnpike the Road leading from the Niagara Frontier to Sandwich, by way of Canboro' and Simcoe.

D. Campbell & 258 others.

And of Geoffry B. Hall, and fifty others of the Counties of Lincoln and Haldimand, praying for a grant of £12,500 to Macadamize the Road from Fort Erie to Dover.

G. B. Hall and 50 others.

On motion of Mr. Thorburn, seconded by Mr. Bockus,

Petitions referred:

Ordered—That the petition of James Stanton be referred to a Committee of Supply.

Of James Stanton.

On motion of Mr. Armstrong, seconded by Mr. Bockus,

Ordered—That the petition of Simon Frayr and others be referred to the Committee to whom was referred the petition of Elisha Huff and others.

Of S. Frayr and others.

On motion of Mr. Kearnes, seconded by Captain Dunlop,

Ordered—That the petition of George Hamilton and sixty-six others be referred to the Committee of Supply.

Of G. Hamilton, and 66 others.

On motion of Mr. McKay, seconded by Mr. Chisholm of Halton,

Ordered—That the petition of John McLaurin and others be referred to the Committee of Supply.

J. McLaurin and 62 others.

On motion of Mr. Aikman, seconded by Mr. Rykert,

Ordered—That the petition of John Williamson, Esquire, and others, of the townships of Saltfleet and Barton, be referred to a Committee of Supply, on to-morrow.

Of J. Williamson and others.

On motion of Mr. Thorburn, seconded by Mr. Bockus,

Ordered—That the Message of His Excellency the Lieutenant Governor on the subject of the Revenues of the Post Office in these Provinces, with the Returns accompanying the same, be referred to the Committee of Finance.

Message and documents on Post Office Revenue referred to Finance Com.

Mr. Ruttan gives notice that he will, on to-morrow, move for leave to bring in a bill for the relief of Sheriffs and Gaolers in certain cases of escapes.

Notices: Of Bill to relieve Sheriffs and Gaolers.

Mr. Rykert gives notice that he will, on to-morrow, move for leave to bring in a bill to amend the Act entitled, "*An Act to authorise the establishment of Mutual Insurance Companies in the several Districts of this Province.*"

Of Bill to amend Mutual Insurance Act.

Address to Her Majesty
to assent to Erie and
Ontario Bank bill,
read first time

Mr. Bockus, from the Committee to draft and report an Address to Her Majesty, praying Her to assent to the Erie and Ontario Bank Bill, reported a draft, which was received and read the first time, and ordered for a second reading to-morrow.

2nd reading to-morrow.

Of Address for Order in
Council on Rectories,
reported and read 1st time.

Captain Dunlop, from the Committee to draft and report an Address to His Excellency, for copy of a certain Order in Council respecting Rectories, reported a draft, which was received and read the first time, and ordered for a second reading to-morrow.

2nd reading to-morrow.

Select Com. on petition
of John Farrell
present report.

Mr. Morris, from the Select Committee to which was referred the petition of John Farrell, presented a Report, which was received and read as follows:

To the Honourable the Commons House of Assembly.

Report.

The Committee, to whom was referred the petition of John Farrell, of the Town of Brockville, beg leave to Report:—

That they have carefully examined the allegations contained in the said petition, and the Documents accompanying the same, and find that in the summer of the year 1832, the said John Farrell, then a Grocer, and residing in the Town of Brockville, did, in compliance of orders from the proper Officer of the Board of Health of the said Town of Brockville, advance to certain poor and destitute persons, who were invalids, and wholly unable to procure the necessary relief for themselves, Bread and other necessary provisions for their maintenance, amounting to £7 11s. 6d., which said sum of £7 11s. 6d. has never since been paid to the said John Farrell.

Your Committee further find that the claims of the said John Farrell were brought before the Legislature, and reported upon by a Select Committee of Your Honourable House, on the 7th day of April, 1836, by which report the claim of the said John Farrell was allowed by the said Committee.

Your Committee feels satisfied that the said sum of £7 11s. 6d. would have been paid to the said John Farrell, in pursuance of the recommendation of the Committee of Your Honourable House, had it not been for the stoppage of the supplies, which took place shortly after.

Your Committee respectfully recommend that the said sum of £7, 11s. 6d., together with the lawful interest thereon, be paid to the said John Farrell, in full discharge of all claims.

All of which is respectfully submitted.

JAMES MORRIS,
Chairman.

*Committee Room, House of Assembly, }
5th February, 1838.*

Select Com. on petition
Of J. L. Willson and
others, report Hamilton
Market House Loan Bill.

Mr. Ferrie, from the Select Committee to which was referred the Petition of James L. Willson and others, President and Board of Police of the Town of Hamilton, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Bill read first time.

The Report was received, and the Bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill to authorise the Board of Police of the Town of Hamilton to borrow a sum of money to complete the Market-House therein be read a second time to-morrow.

House again in Committee
on Invasion by American
Citizens, and on capture
of the "Caroline."

Pursuant to the order of the day, the House was again put into a Committee of the whole on the subject of the Invasion of the Province by American citizens,—and on the capture of the Steamboat Caroline.

Mr. Malloch in the chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some further progress in their deliberations, and asked leave to sit again to-morrow.

The Report was received, and leave granted accordingly.

On motion of Mr. Sherwood, seconded by Mr. Rykert,

Resolutions on invasion
to be 1st item to-morrow.

Ordered—That the Resolutions upon the Invasion of Upper Canada be the first item on the order of the day to-morrow.

Mr. Boulton, from the Committee to wait on His Excellency the Lieutenant-Governor with the Address of this House for information respecting the payment of Militiamen, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:—

Committee to carry up Address for information on payment of militiamen &c., report answer.

GENTLEMEN,

It was my earnest desire that the Militiamen, Teamsters, and others who have been and still are on duty in various parts of the Province, as well as all claimants for supplies and necessaries furnished on account of the public service, should have their respective accounts liquidated without delay. Being informed, however, that the Commissary-General at Quebec deemed it to be his duty to desire the officer in charge of his Department in this Province not to recognise my Militia General Orders, I called upon Assistant Commissary-General Foote for the correspondence with the Commissary-General on the subject. A copy of these documents, which I herewith transmit, will explain that it is not in my power to furnish the House of Assembly with the information it has requested.

Answer.

[Copy.]

No. 329.

TORONTO, 20th December, 1837.

SIR,

I have the honour to report to you, that, on the 8th instant, in consequence of a verbal order from His Excellency the Lieutenant-Governor, communicated by his colonial aide-de-camp, to attach a commissariat officer to a large force, under orders to proceed, the following day, to the Western part of the country, under the command of Colonel Macnab, the Speaker of the House of Assembly, I attached Mr. Temporary Clerk James Lane to the force, he being the only disposable person for the duty,—and Colonel Macnab, besides, having particularly applied to me for him, I attached Isaac Amos to Mr. Lane.

I trust that my instructions to Mr. Lane, of which I beg leave to submit a copy to you herewith, will have your approval.

You will perceive by them, that I authorised Mr. Lane to draw upon the military chest at this place, for the sums necessary for payment of supplies, and for the payment of the troops, and that I entrusted to him at that time the sum of £50 sterling. Up to this date he has drawn for £300 currency.

I beg leave to enclose a Militia General Order, No. 2, dated 7th instant, respecting this force; also a copy of a letter from myself, dated the 15th instant, to the colonial aide-de-camp, requesting His Excellency the Lieutenant-Governor to grant me a written order for the employment of Mr. Lane and Isaac Amos with the force, and submitting to his consideration, that, during the continuance of it, the former should receive the pay and allowances of a treasury clerk, and Isaac Amos the pay of a conductor,—also requesting His Excellency to sanction the following temporary appointments, which I necessarily made in consequence of Mr. Lane and Mr. Amos being detached from Toronto, viz. Mr. Frederick Stow, as temporary clerk from the 9th instant, with 5s. sterling per diem, without any allowances; Mr. William Jeffery, as issuer, with the consolidated pay of 3s. 8d. sterling, per diem, and a ration of provisions with fuel and light.

The aide-de-camp returned my letter to me with the Lieutenant Governor's approving signature upon it.

HEAD QUARTERS,

Montreal, 29th December, 1837.

You could receive no such orders, excepting through the military officer commanding the troops, who is Colonel Foster.

All such arrangements must, to have any validity, appear in General Orders.

If you had, according to your duty and to your instructions, apprized me of the difficulties under which you were acting, I should not have left you, without instructions, clear and defined, as to the details of your proceedings, and in my reports to the treasury, I could not avoid stating my entire ignorance of the occurrences at Toronto, except through the medium of the public prints, and the extraordinary suspension of all correspondence on your part, with the head of your department.

You have nothing to do with these orders, unless they are communicated to you through the channel of the military commandant, or through the head of your department.

You had no right whatever to make any such application even to a military authority without my consent, nor could any such allowance be granted except under the sanction of the General Officer in Command, and I should never have recommended it as it is contrary to the Treasury regulations.

I have no authority to grant, or rather to recommend, a higher rate of pay than 5s. currency, or one dollar per diem.

You have taken upon yourself a most unusual responsibility, and you have assumed a most distinct control independent of mine, which I cannot countenance, and you have made appointments on terms novel and unusual in the service. His Excellency's signature conveys no authority to you, nor can the Lieutenant Governor authorize the expenditure of any money from the military chest, without the interposition of the competent military officer in command.

Correspondence between Asst. Com. Genl. Foote and Com. Genl. Routh, accompanying His Excellency's answer.

Correspondence between
Ass't Com.-Gen. Foote &
Com.-Gen. Routh.

I respectfully trust that under the peculiar circumstances of my situation you will approve of the appointments and recommendations herein reported you.

I have, &c.
(Signed) FRANCIS R. FOOTE,
A. C. G.

I call upon you for further explanations in respect to these appointments, the dates under which they have received pay or allowances, and the period for which you have engaged to employ them.

(Signed) R. J. ROUTH,
Commissary General.

[Copy.]
No. 332.

TORONTO, 21st December, 1837.

SIR,

I have the honor to transmit to you herewith a copy of a militia general order, No. 9, dated the 13th instant, notifying the appointment of Colonel J. B. McAulay to discharge the duties of the Quarter Master General's Department during the present emergency, and directing all officers and heads of departments in the Province to furnish public stores, arms, ammunition, and all military supplies and money upon his written requisition for the public service.

With respect to requisitions for money from Colonel McAulay, I have the honour to acquaint you that owing to there being no form of warrant ready printed, and not sufficient time to make manuscript warrants, I have hitherto made the required payments, which have been very numerous, upon written orders from Colonel McAulay, but I furnish him to-day with a supply of forms of warrants, according to the enclosed form, and bound in a book as checks or draughts usually are.

I have, &c.,
(Signed) FRANCIS R. FOOTE,
A. C. G.

HEAD QUARTERS,
Montreal, 29th December, 1837.

I have nothing to do with any militia general order, nor can I recognize any requisition from Colonel McAulay; the whole will be disallowed in your accounts, and referred to the special consideration of the Audit Board and the Lords of the Treasury.

You have no officer to look to but Colonel Foster, or me as the head of the department, and you can pay or issue on no other signature.

(Signed) R. J. ROUTH,
Commissary General.

On motion of Mr. Robinson, seconded by Mr. Rykert,

Ordered—That the answer of His Excellency, with the accompanying documents, on the subject of the payment of the Militia, be referred to the same Committee to whom was referred the Petition of William Chisholm.

Adjourned.

Thursday, 8th February, 1838.

The House met.

The minutes of yesterday were read.

Mr. Gowan, seconded by Mr. Burwell, moves, That whereas it appears, by the Report of a Select Committee of Privilege, that William B. Wells, Esquire, a Member of this House for the County of Grenville, absconded to the United States during the late Rebellion, where he has since remained,—and whereas it appears that the voluntary withdrawal of the said W. B. Wells, Esq. from his duty as a Member of this House, has been the means of leaving the said County of Grenville unrepresented during the present Session of the Legislature, and it is right and proper that the said County of Grenville should be no longer disfranchised:—Be it therefore *Resolved*, That the said William B. Wells, Esq. be expelled this House.

In amendment, Mr. Robinson, seconded by Mr. Bockus, moves that all after the word "moves" in the original motion be expunged, and the following inserted:—"That this House is in possession of no sufficient

Answer of His Excellency
referred

Motion to expel W. B.
Wells, Esq. M. P. P.
for Grenville.

Amendment moved.

evidence against W. B. Wells, Esq. of having committed any act of high treason or other crime sufficient to justify his expulsion from this House."

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Aikman, Bockus, Chisholm* of Halton, *Chisholm* of Glengarry, *Cook, Detlor, Duncombe, Ferrie, Malloch, Marks, McCrae, McDonell* of Stormont, *McKay, Parke, Robinson, Rykert, Shade, Shaver, Thomson, Thorburn, Woodruff*—21. Yeas—21.

N A Y S.

Messieurs *Boulton, Burwell, Cartwright, Dunlop, Gamble, Gowan, Kearnes, Manahan, McLean, Prince, Richardson, Ruttan, Solicitor-General*—13. Nays—13.

The question of amendment was carried in the affirmative by a majority of eight. Amendment carried, majority 8.

The original question, as amended, was then put and carried. Original question, as amended, carried.

On motion of Mr. Gowan, seconded by Mr. Ruttan,

Ordered—That the name of Gowan be expunged from the Committee to whom was referred the Petition of Anthony Manahan, Esq., and that the name of Mr. Prince be added to the same Committee. Name of Gowan expunged from Select Committee on petition of A. Manahan, Esq.

The following Petitions were severally brought up and laid on the table:— Petitions brought up:

By Mr. Prince, the Petition of William Anderton, J. P., and ninety-four others of the Western District. Wm Anderton, J P, and 94 others.

By Mr. Bockus, the Petition of John Ewart, of the City of Toronto. John Ewart.

And by Mr. Manahan, the Petition of Donald McKenzie, J. P., and thirty-seven others, of the Township of Tyendinaga (Hastings). Donald McKenzie, J P, and others.

Pursuant to the order of the day, the Bill to provide for the regulation and support of Common Schools, as amended, was read the third time. Common Schools regulation bill read third time.

On the question for passing the Bill,

In amendment, Mr. Detlor, seconded by Mr. Thomson, moves that the Bill do not now pass, but that it be recommitted forthwith, for the purpose of amending the same. Motion to re-commit Bill.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Aikman, Cook, Detlor, Gowan, Kearnes, McCrae, McDonell* of Stormont, *McKay, Ruttan, Shade, Shaver, Thomson, Woodruff*—13. Yeas—13.

N A Y S.

Messieurs *Boulton, Burwell, Cartwright, Chisholm* of Glengarry, *Duncombe, Dunlop, Ferrie, Manahan, Marks, McDonell* of Northumberland, *McLean, Prince, Richardson*—13. Nays—13.

The question was decided in the negative by the casting vote of the Speaker. Lost by casting vote of Speaker.

In amendment Mr. Detlor, seconded by Mr. Thomson, moves that the bill do not now pass, but that the following clause be added as a rider:— "And be it further enacted by the authority aforesaid, That this Act shall be and continue in force for and during the term of four years, and from thence to the end of the then next ensuing Session of Parliament, and no longer." Rider moved.

On which the Yeas and Nays were taken, as follows:—

Division.

Y E A S.

Messieurs *Aikman, Bockus, Cook, Detlor, Duncombe, Gowan, Kearnes, McCrae, McDonell* of Stormont, *McKay, Parke, Prince, Ruttan, Shade, Shaver, Thomson, Woodruff*—17. Yeas—17.

N A Y S.

- Nays—12.** Messieurs *Boulton, Burwell, Cartwright, Chisholm* of Glengarry, *Dunlop, Ferrie, Manahan, Marks, McDonell* of Northumberland, *McLean, Richardson, Solicitor-General*—12.
- Carried, majority 5.** The question of amendment was carried in the affirmative by a majority of five.
- Petitions read :** Pursuant to the order of the day, the following petitions were read :—
- D. H. Ritchie and 184 others.** Of David Hood Ritchie and one hundred and eighty-four others, of the Village of Bayfield, District of London, praying to be incorporated for the construction of a Harbour, at the mouth of the River Bayfield.
- David Ford.** Of David Ford of the Township of West Oxford, District of London, praying to be naturalized.
- William Burrows.** And of William Burrows of the City of Toronto, praying remuneration for the loss of his furniture, which was destroyed in consequence of the burning by the rebels of an Inn, which he rented of the late Simon Washburn, Esquire.
- Petitions referred :** On motion of Mr. Bockus, seconded by Mr. Marks,
- Of Joseph Swetman.** *Ordered*—That the petition of Joseph Swetman be referred to a Committee of Supply on to-morrow.
- Of William Burrows.** On motion of Mr. Solicitor-General, seconded by Mr. Shaver, *Ordered*—That the petition of William Burrows be referred to the same Committee to whom was referred the petition of Robert Charles Horne, with power to send for persons and papers, and to report thereon.
- Committee to carry up Address for further information on aid to U. C. Academy, report answer.** Mr. Cartwright, from the Committee to wait on His Excellency the Lieutenant Governor with the Address for further information respecting the aid to the Upper Canada Academy, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer :
- Answer.** GENTLEMEN :
In compliance with this Address I will transmit to the House of Assembly, as soon as they can be prepared, copies of such documents in my possession not already forwarded to the House, as relate to the aid of the Upper Canada Academy.
- Committee to draft Bill on resolutions granting swords to Col. MacNab and Capt. Drew, report draft.** Mr. Burwell from the Committee to draft and report a bill pursuant to the resolution of this House granting a sum of money for the purchase of swords for Colonel McNab and Captain Drew, reported a draft, which was received and read the first time.
- Bill read first time.** *Ordered*—That the bill granting a sum of money to purchase swords for Colonel McNab and Captain Drew be read a second time to-morrow.
- 2nd reading to-morrow.** On motion of Mr. Boulton, seconded by Mr. Cartwright, *Ordered*—That the names of Robinson and Solicitor-General be added to the Committee on the petition of Robert C. Horne, Esq.
- Messrs Robinson and Sol. General added to Com. on pet'n of R. C. Horne, Esq.** On motion of Mr. Cartwright, seconded by Mr. Boulton, *Ordered*—That when this House adjourns this day it stand adjourned until Monday next.
- House, when it adjourns, to stand adjourned till Monday.** Pursuant to the order of the day, the House was again put into a Committee of the whole on the subject of the invasion of the Province by certain Americans, and on the capture of the Steam Boat Caroline.
- House again in Committee on Invasion by American Citizens.** Mr. McKay in the chair.
The House resumed.
- Resolutions reported.** The Chairman reported that the Committee had agreed to several Resolutions which he was directed to submit for the adoption of the House.
The Report was received.
The Resolutions were severally put and carried, as follows :—

1. *Resolved*—That since the treaty of peace between Great Britain and the United States of America, and up to a very recent period, the inhabitants of this Province have lived upon terms of the most friendly intercourse with the citizens of the latter country. 1st Resolution.

2. *Resolved*—That American citizens within a few weeks past, regardless of the feeling existing between the two countries—the faith of solemn treaties, and that state of peace which it was and is their duty to maintain, have, in open violation of these, their sacred obligations, within their own territory, furnished gratuitously, provisions and munitions of war, and have rendered every assistance within their power, to a number of individuals, (chiefly American citizens) who had assembled at Buffalo, in the State of New-York, with the open and avowed intention of invading this Province, and of subverting our happy form of Government. 2nd Resolution.

3. *Resolved*—That, even after this armed force had actually invaded Upper Canada by taking possession of *Navy Island*, in the River Niagara, belonging to Her Majesty, a constant communication was kept up between them and American Citizens residing in the State of New-York, who continued to furnish the invaders with provisions and arms, notwithstanding repeated representations to that effect, made by the Officer in command of the Forces on the Niagara Frontier, to the proper authorities of the State of New-York. 3rd Resolution.

4. *Resolved*—That the invaders were permitted to fire and did actually fire from Fort Schlosser and other points within the territory of the United States upon British subjects in British boats navigating the River Niagara; and that an American Steamboat called the *Caroline* was actually engaged in the service of the Pirates on Navy Island, carrying cannon, men and provisions, from Fort Schlosser aforesaid, to the said Island, with the full knowledge of the public authorities in the State of New-York, without, as we believe, any effectual attempt on their part to interfere. 4th Resolution.

5. *Resolved*—That the gallant conduct of the persons engaged in cutting out and destroying the Piratical Steamboat *Caroline*, while moored in the American waters, deserves the warmest approbation of the inhabitants of this Province, the said boat being at the time under the controul and in the service of the Pirates, who were then on Navy Island, in Upper Canada, and having on board a guard belonging to them for its protection and its defence. 5th Resolution.

6. *Resolved*—That the conduct of the Grand Inquest for the County of Niagara, in the State of New-York, as stated in some of the American papers, in having recently found a bill of indictment for *murder* against certain of Her Majesty's subjects, for having unavoidably killed certain persons on board the said Steamboat *Caroline*, while carrying into effect the orders of their Commanding Officer—and also against Colonel McNab, the said Commanding Officer—when the said Inquest must necessarily have been in possession of all the facts connected with the recent invasion of this Province by American Citizens; is reprehensible in the highest degree, inasmuch as it is in contravention of international law, and was a direct sanction, by an important tribunal connected with the administration of justice, of the lawless proceedings of a Piratical band, whose avowed object was the plunder and destruction of the inhabitants of a country at peace with the United States. 6th Resolution.

7. *Resolved*—That a body of the Militia of the State of New-York, stationed upon Grand Island, within that State, to preserve the neutrality of the American Government, as pretended by the American Authorities, fired directly under the American flag upon Lieutenant Elmsley, of the Royal Navy, and the boat's crew under his command, whilst engaged in sounding the River between Grand Island and this Province, by the direction of his Commanding Officer. 7th Resolution.

8. *Resolved*—That three of Her Majesty's subjects were killed on the shores of the Niagara Frontier of this Province, by shots fired by the Pirates from Navy Island. 8th Resolution.

9th Resolution

9. *Resolved*—That at the time when these hostile operations were carrying on upon the Niagara Frontier, certain other citizens of the United States enrolled themselves into several Volunteer corps, under leaders called Generals Sutherland and Theller, and Colonels Handy, Roberts, and Dodge, with Captains Davis and Brophy, with others at Cleveland, in the State of Ohio, as well as at Detroit, Monroe, Pontiac and Mount Clemens in the State of Michigan, and recruited, paraded, and drilled, publicly, with the avowed purpose of invading the Western District Frontier, of destroying the British power and constitution there, of subverting our laws, and of serving in what they called “the great and glorious cause, the cause of liberty and the oppressed.” And that they made a place called Gibraltar, in Michigan, on the River Detroit, nearly opposite to Fort Malden in this Province, their Head Quarters, where they practised firing cannon, drilling, and exercising with fire-arms, and otherwise, until the latter end of January last.

10th Resolution.

10. *Resolved*—That the above persons possessed themselves at various times of upwards of 200 stand of fire-arms from the Gaol in the City of Detroit, and of a waggon load of gunpowder and ammunition, from the powder house in that city; also another large quantity of fire-arms and one cannon from Monroe, and of two cannon from Fort Gratiot, all of which arms, ammunition, and cannon were the property and in the custody of the United States; and they also possessed themselves of about eighty stand of arms belonging to a company of soldiers called “The Brady Guard,” in the city of Detroit, and of a Schooner called the “Anne,” from one of the wharves in that city, without any vigorous opposition having been offered to them by the proper authorities in Michigan; and that they received aid and assistance in various ways from many wealthy and influential persons in that city.

11th Resolution

11. *Resolved*—That the Schooner above mentioned left the City of Detroit, in broad day light, on Saturday the 6th of January last, full of men, arms, ammunition, and provisions, and having on board also three cannons for the expressly avowed purpose of attacking and taking Bois Blanc Island and Fort Malden, and that information of the fact was instantly and duly given by the Magistrates of Sandwich, in this Province, to the Governor of Michigan, and the other authorities at Detroit, who, notwithstanding, failed or neglected to seize her, and to prevent the attacks hereafter mentioned.

12th Resolution

12. *Resolved*—That on the night of the 8th of January last, a large body of American citizens (being a part of the forces stationed at Gibraltar, and in number upwards of 200,) embarked with muskets, bayonets, and ammunition, and also with a cannon, in scows and boats, to attack Bois Blanc Island, then defended by some of the Volunteers and Militia of this Province, and, without the least provocation, they fired two cannon shots at the forces there, (being the first hostile shot fired in the Western District,) and then retired to the American shore, and in about two hours afterwards the Schooner “Anne,” full of armed men sailed up the British channel, between Bois Blanc and the Town of Amherstburgh, and fired cannon shots into that Town.

13th Resolution

13. *Resolved*—That on the following day a party of American citizens from Gibraltar (about 70 in number) invaded and took possession of Bois Blanc Island, (but from which place they afterwards escaped in their boats, on seeing that the Militia and Volunteers at Malden were preparing to go over from Amherstburgh to attack them,) and they carried from the dwelling of Her Majesty’s Light-house keeper there, all his and his wife’s wearing apparel, besides other articles; and in the evening of the same day, the Schooner “Anne,” with upwards of twenty armed men on board, (almost all of whom were American citizens,) attacked the town of Amherstburgh, and the Militia and Volunteer forces assembled there for its defence, and fired at them twelve or fourteen rounds of cannon ball, grape and canister, besides a great number of musket shots, which was returned by the rifles and muskets of the gallant Militia and Volunteers, to whom she surrendered

in about an hour after the action commenced, having several killed and twenty-one made prisoners, (including General Theller, Colonel Dodge, and Captains Davis and Brophy,) also having on board three cannon, about two hundred stand of arms, and a large quantity of ammunition, stores, and provisions.

14. *Resolved*—That all the circumstances detailed in the five last Resolutions occurred within twenty miles of the City of Detroit, which is the Seat of Government of the State of Michigan; and that although the Government and the authorities of that State were apprised of what was likely to happen, and without doubt knew what would happen, they were either unable or unwilling to prevent such occurrences. 14th Resolution.

15. *Resolved*—That an humble Address be forthwith presented to Her Majesty, (to be transmitted with these Resolutions,) humbly but earnestly praying, that Her Majesty will be pleased to take such steps as shall be necessary to obtain fit reparation to the British Empire, for the insults and injuries committed on Her Majesty's Subjects in this Province,—as well as to protect the inhabitants of Upper Canada from similar aggression and injury for the time to come. 15th Resolution.

On motion of Mr. Prince, seconded by Mr. Cameron,

Ordered—That the Resolutions of this House, on the subject of the Invasion of this Province by citizens of the United States, be referred to a Select Committee, consisting of Messrs. Solicitor General and Sherwood, to draft and report an Address to Her Majesty thereon. Resolutions referred to Select Committee to draft Address thereon.

Pursuant to the order of the day, the House was put into a Committee of Supply, for the purpose of granting a sum of money to turnpike a certain road through the Townships of Sarnia, Plympton, and Warwick. House in Com. of Supply on turnpiking road in Sarnia and Warwick.

Mr. Sherwood in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to a Resolution, which he was directed to submit for the adoption of the House. Resolution reported.

The Report was received.

The Resolution was adopted, as follows:—

Resolved—That it is expedient to authorise Her Majesty's Receiver-General in this Province to raise, by way of loan, a sum of £12,000, for the purpose of constructing a Turnpike Road through the Townships of Sarnia, Plympton, and Warwick, in the County of Kent; which said sum of £12,000 shall be repaid by the tolls to be collected at such gates as the trustees named by this House shall for that purpose find necessary to erect; also by causing the inhabitants residing on the lots bordering on each side of the said road to commute their statute labour and pay the amount to trustees; and also, that, should these means not be sufficient to pay the interest on the debentures as they become due, to authorise Her Majesty's Receiver-General to pay the deficiency out of any funds in his hands applicable to the general uses of this Province; which sum, so advanced, shall be repaid from the tolls collected on the said road, or by an additional rate levied for that purpose on the County of Kent. The Trustees having full power to dispose of such tolls as may be necessary. Resolution adopted.

On motion of Mr. Cameron, seconded by Mr. Malloch,

Ordered—That the resolution of this House granting a sum of money for making a turnpike road through the Townships of Sarnia, Plympton, and Warwick, be referred to a Select Committee, to be composed of Messrs. Bockus and Manahan, to prepare a bill and report the same. Resolution referred to Select Committee to draft a Bill thereon.

Mr. Sherwood, seconded by Mr. Boulton, moves that this House do now resolve itself into a Committee of the whole upon the Resolutions of the Legislative Council and House of Assembly of New Brunswick, transmitted to this House by Message from His Excellency the Lieutenant- House in Com. of whole on Resolutions of Parliament of New-Brunswick.

Governor ;—and that the 31st rule of this House be dispensed with so far as it relates to the same.

Which was carried, and the House was put into a Committee of the whole accordingly.

Mr. Gamble in the chair.

The House resumed.

Resolutions reported.

The Chairman reported that the Committee had agreed to several Resolutions, which he was directed to submit for the adoption of the House.

The Report was received.

The Resolutions were severally put, and carried as follows :—

1st Resolution.

1. *Resolved* unanimously, That this House sincerely thanks the Legislative Council and House of Assembly of New Brunswick, for their resolutions of the 5th of January last, transmitted to this House by Message from His Excellency Sir Francis Bond Head, Lieutenant Governor of this Province.

2nd Resolution.

2. *Resolved* unanimously, That the spirit of loyalty and attachment to the British Throne which pervades the said resolutions, is felt and duly appreciated by the inhabitants of this Province, who in common with their brethren of the sister Colony of New Brunswick, are determined to maintain the happy connexion which exists between them and the Mother Country, “and to support and defend the liberty they enjoy under British laws and institutions.”

3rd Resolution.

3. *Resolved* unanimously, That the alacrity and zeal which were manifested by our fellow-subjects of New Brunswick, in recently tendering their services in behalf of our loyal brethren in the sister Province of Lower Canada, must be a convincing proof, (if proof be wanting) to Great Britain, and indeed to the whole world, of their warm attachment to British supremacy, and their readiness to maintain and defend it, even at the sacrifice of their lives.

4th Resolution.

4. *Resolved* unanimously, That an humble address be presented to His Excellency the Lieutenant Governor, praying His Excellency will be pleased to transmit these resolutions to His Excellency Sir John Harvey, Lieutenant Governor of New Brunswick, with a request that they may be laid before the Legislative Council and House of Assembly of that Province.

On motion of Mr. Sherwood, seconded by Mr. Rykert,

Select Committee to draft Address on Resolutions.

Ordered—That Messrs. Boulton and Kearnes be a committee to draft an Address to His Excellency, and to present the same, with the Resolutions, in pursuance of the last Resolution.

Message from Legislative Council.

The Master in Chancery brought down, from the Honourable the Legislative Council, two Messages, and having delivered the same at the Clerk's table, retired.

The Messages were read by the Speaker as follows :—

MR. SPEAKER,

Bill to exempt County of Hastings from provisions of Act respecting erection of Gaols, passed.

The Legislative Council has passed the Bill sent up from the Commons House of Assembly, entitled “*An Act to exempt the District of Hastings from the operation of a Bill passed during the present Session, to regulate the future erection of Gaols in this Province*”—without any amendment.

JOHN B. ROBINSON,

Speaker.

Legislative Council Chamber, }
Seventh day of February, 1838. }

MR. SPEAKER,

The Legislative Council has passed the Bill sent up from the Commons House of Assembly, entitled "*An Act to amend an Act entitled, 'An Act to establish a Court of Chancery in this Province'*"—without any amendment.

Bill to amend Chancery Act, passed.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber,
8th day of February, 1838. }

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

Lunatic Asylum Bill again committed.

Mr. Thomson in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The Report was received.

Ordered—That the Bill be read a third time on Monday next.

3rd reading Monday.

Pursuant to the order of the day, the rider to the Bill to provide for the regulation and support of Common Schools, was read the third time.

Rider to Common Schools regulation bill read 3rd time.

On the question for passing the Bill,

In amendment, Mr. Chisholm of *Glengarry*, seconded by Mr. Shaver, moves, that the Bill do not now pass, but that the following be added as a rider:—"And be it further enacted by the authority aforesaid, That for the year 1838 the Treasurers of each District shall pay to the Teachers of the Common Schools their Salaries in the usual manner, anything hereinbefore contained notwithstanding."

Another rider moved.

Which was carried.

Carried.

Pursuant to notice, Mr. Bockus, seconded by Mr. Malloch, moves, that the House do now resolve itself into a Committee of Supply, for the purpose of granting a Pension to the widow of Colonel Robert Moodie.

House in Com. of Supply on granting a pension to Mrs Moodie (2nd.)

Which was carried; and the House was put into a Committee of the whole accordingly.

Mr. Detlor in the chair.

The House resumed.

The chairman reported that the Committee had agreed to a Resolution, which he was directed to submit for the adoption of the House.

Resolution reported.

The report was received.

The Resolution was adopted, as follows:—

Resolved—That there be granted to Her Majesty the sum of One Hundred Pounds yearly, to enable Her Majesty to grant an annuity to the Widow and Children of the late Colonel Robert Moodie.

Resolution.

On motion of Mr. McLean, seconded by Mr. Burwell,

Ordered—That Messrs. Marks and Bockus be a committee to draft and report a Bill on the Resolution of this House, granting a pension to the Widow and Children of the late Colonel Robert Moodie.

Resolution referred to Select Com. to draft bill.

Pursuant to notice, Mr. Burwell, seconded by Captain Dunlop, moves that that part of the Journal of this House of the 19th of December, 1836, which relates to the petition of the Chairman of the Quarter Sessions of the District of London, respecting means for erecting a new Gaol in that District, be now read.

Journal of 1836 read on petition of Chairman Qr. Sessions, District of London.

Which was carried, and the Journal was read accordingly.

(Printed Journal—Page 181.)

On motion of Mr. Burwell, seconded by Mr. Murney,

Subject of above petition referred to Select Committee.

Ordered—That the subject of the petition of the Chairman of the Quarter Sessions of the District of London, referred to a Committee of this House on the 19th of December, 1836, and not reported upon, be now referred to a Committee, consisting of Messrs. Dunlop and Parke, to report thereon.

The House then adjourned till 10 o'clock, A. M., on Monday next.

Monday, 12th February, 1838.

The House met, pursuant to adjournment.

The minutes of Thursday were read.

Petitions brought up :

The following Petitions were severally brought up, and laid on the table :—

J. Scarlett and W. B. Jarvis, William Hust.

By Mr. Thomson, the petition of John Scarlett and W. B. Jarvis, Esquires, of the Home District,—and the petition of William Hust, of the township of Markham, (York.)

A. J. Kerby, and 6 others.

By Mr. Shade, the petition of Andrew T. Kerby, and six others, Trustees for macadamizing the Dundas and Waterloo Road.

J. T. Cooper, & 33 others.

By Mr. Prince, the petition of John T. Cooper, and thirty-three others, of the County of Haldimand.

A. Morse, & 35 others.

By Mr. Woodruff, the petition of Abishai Morse, and thirty-five others, of the District of Niagara.

R. Mercer, & 32 others.

By Mr. Prince, the petition of Robert Mercer, Esquire, and thirty-two others, Shareholders in the Niagara and Detroit Rivers Rail-Road Company.

J. Scarlett and 296 others.

By Mr. Gamble, the petition of John Scarlett, and two hundred and ninety-six others, of the Townships of York, Etobicoke, Vaughan, Toronto, Chingacousy, Albion, and the Gore of Toronto (York).

J. Fraser and 2 others.

By Mr. Cartwright, the petition of James Fraser, and two others, Commissioners under the Act of last Session for relief of certain Banking Institutions.

G. Chalmers and 149 others.

G. Chalmers, & 64 others.

And by Mr. Chisholm of *Halton*, the petition of George Chalmers, and one hundred and forty-nine others, of the Township of Trafalgar (Halton) and the petition of George Chalmers, and sixty-four others, of the same place.

Rider to Common Schools regulation Bill read third time.

Pursuant to the order of the day, the rider to the Bill to provide for the regulation and support of Common Schools, was read the third time.

Division on passing Bill.

On the question for passing the Bill, the Yeas and Nays were taken as follows :—

Y E A S.

Yeas—18.

Messieurs *Aikman, Bockus, Burwell, Cameron, Chisholm* of Glengarry, *Dellor, Dunlop, Ferrie, Gamble, Malloch, McKay, McLean, Prince, Rykert, Shade, Sherwood, Thomson, Thorburn*—18.

N A Y S.

Nays—5.

Messieurs *Cook, McDonell* of Stormont, *Parke, Shaver, Woodruff*—5.

Carried, majority 13.

The question was carried in the affirmative by a majority of thirteen, and the Bill was passed.

Title.

Mr. Burwell, seconded by Mr. Thomson moves, that the Bill be entitled, "An Act to repeal the several Laws heretofore existing relative to Common Schools, and to provide for the establishment, maintenance, and support of Common Schools throughout this Province."

Which was carried, and Messrs. Burwell and Thomson were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day the Lunatic Asylum bill was read the third time. Lunatic Asylum Bill
read third time.

On the question for passing the bill, the Yeas and Nays were taken as follows:— On passing,

Y E A S.

Messieurs Bockus, Burwell, Cameron, Deilor, Dunlop, Ferrie, Gamble, Parke, Prince, Shade, Sherwood, Solicitor-General, Thomson, Thorburn, Woodruff—15. Yeas—15.

N A Y S.

Messieurs Aikman, Chisholm of Halton, Chisholm of Glengarry, Cook, Malloch, McKay, McLean, Merritt, Rykert, Shaver—10. Nays—10.

The question was carried in the affirmative by a majority of five, and the Bill was passed. Carried, majority 5.

Captain Dunlop, seconded by Mr. Thorburn, moves that the Bill be entitled "*An Act to authorise the erection of a Lunatic Asylum in this Province and for other purposes therein mentioned.*" Title.

Which was carried, and Messrs. Dunlop and Thorburn were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the following petitions were read:— Petitions read:

Of Thomas B. Wragg and five others, praying that provision may be made for the payment of debts due by absconding rebels. T. B. Wragg and 5 others.

Of George T. Denison, Esq., and nine hundred and five others, of certain townships in the Home District, praying that the road from the Peacock tavern on Dundas-Street, to Weston Bridge, may be macadamized. G. T. Denison, Esq., and
905 others.

Of Duncan McGregor, and thirty-three others, of the Western District, praying for authority to levy an additional rate of one halfpenny in the pound upon real and personal property in that District. D. McGregor, Esq., and
33 others.

Of A. Jones, and forty-five others, of the County of Grenville, praying for an Act to authorise the raising of £30,000, to macadamize the road from Prescott to Merrickville and Kemptville. A. Jones and 45 others.

And of Alpheus S. St. John, acting Commissioner for the Dunnville Bridge, stating that he received, as such Commissioner, from the Agricultural Bank, some of its notes, shortly before it stopped payment, and praying that the public may not lose thereby. A. S. St. John.

Mr. Shade, seconded by Mr. Aikman, moves that the petition of the Trustees of the Dundas and Waterloo macadamized road be now read, and that the 41st rule of this House be suspended so far as relates to the same.

Which was carried, and the petition of Andrew T. Kerby, and six others, Trustees for macadamizing the Dundas and Waterloo road, praying for a further sum of £7,700 to complete the said road, be read. A. T. Kerby and 6 others.

On motion of Mr. Sherwood seconded by Mr. Boulton,

Ordered—That the petition of Alpheus Jones and others be referred to a Select Committee consisting of Messrs. Cameron and Bockus, with power to report thereon by bill or otherwise. Petitions referred:
Of A. Jones and others.

On motion of Mr. Prince, seconded by Mr. Merritt,

Ordered—That the petition of Duncan McGregor, and others, praying that an additional rate may be levied by authority of Parliament on all rateable property in the Western District, be referred to a Select Committee, consisting of Messrs. McCrae and Burwell, with power to report thereon by bill or otherwise. D. McGregor and others.

Of A. T. Kerby & others.

On motion of Mr. Shade, seconded by Mr. Chisholm *of Halton*,
Ordered—That the petition of A. T. Kerby and others, be referred to the Committee on Supply to-morrow.

Of D. Campbell & 258 others.

Of H. Davis and others.

Of C. Smith and others.

Of G. B. Hall and others.

On motion of Mr. Merritt, seconded by Mr. Woodruff,
Ordered—That the petition of D. Campbell, of Norfolk, and two hundred and fifty-eight others; Hezekiel Davis and one hundred and five others; C. Smith and others; and G. B. Hall and others; be referred to a Committee consisting of Messrs. Rykert and Thorburn.

Of Elijah Nellis.

On motion of Mr. Merritt, seconded by Mr. Thorburn,
Ordered—That the petition of E. Nellis, of Woodstock, be referred to a Committee consisting of Messrs. Burwell and Shade, to report thereon.

Of A. S. St. John.

On motion of Mr. Merritt, seconded by Mr. Rykert,
Ordered—That the petition of A. S. St. John, one of the Commissioners of the Dunnville Bridge, be referred to the Committee on Banking.

500 copies of His Excellency's Message to be printed.

On motion of Mr. Parke, seconded by Mr. Burwell,
Ordered—That 500 copies of His Excellency's Message of the 29th January last, relating to Indian affairs, be printed for the use of members.

NOTICES:
Of motion for vote of thanks to capturers of the "Caroline" and the "Anne."

Mr. Burwell gives notice, that when the House is put in Committee on Mr. Prince's notice relative to a sword for Colonel Radcliffe, he will move the adoption of certain resolutions thanking the gallant Volunteers who accompanied Captain Drew in the capture and destruction of the piratical Steamer "Caroline," and the gallant Volunteers of Militia who so nobly captured the piratical Schooner "Anne," off Amherstburg, in the Western District, in an attempt to invade this Province.

Of Bill to prevent expiration of Charters by non-user.

Mr. Prince gives notice that he will, on to-morrow, move for leave to bring in a bill to prevent the Charters or Acts passed by the Legislature of this Province from expiring by reason of the non-performance of the provisos or conditions annexed to or contained in such Charters or Acts within the time or times therein respectively limited, and to extend such time or times for the period of two years from the passing of the said bill.

Select Committee on the State of the Canadas present report.

Mr. Sherwood, from the Select Committee on the state of the Canadas, presented a Report, which was received and read.

(REPORT—See Appendix.)

Motion to print 3000 copies of report.

Mr. Boulton, seconded by Mr. Cartwright, moves that three thousand copies of the Report on the state of the Provinces of Upper and Lower Canada, be printed in pamphlet form for the use of members.

Amendment moved.

In amendment Mr. Merritt, seconded by Mr. Rykert, moves that the words "three thousand" be expunged, and "two hundred" inserted.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—22.

Messieurs Aikman, Armstrong, Bockus, Burwell, Chisholm of Halton, Chisholm of Glengarry, Cook, Deilor, Duncombe, Ferrie, Marks, McDonell of Stormont, McIntosh, McLean, Merritt, Parke, Rykert, Shade, Shaver, Thomson, Thorburn, Woodruff—22.

N A Y S.

Nays—9.

Messieurs Boulton, Cartwright, Gamble, Malloch, Manahan, McDonell of Northumberland, McKay, Sherwood, Solicitor-General—9.

Amendment carried, majority 13.

The question of amendment was carried in the affirmative by a majority of thirteen.

Original question, as amended, carried.

The original question, as amended, was then put and carried.

Select Committee to draft Mrs Moodie's (2nd) pension bill, report draft.

Mr. Bockus, from the Committee to draft and report a bill, pursuant to the Resolution of this House granting a pension to the widow and children of the late Colonel Robert Moodie, presented a draft, which was received and read the first time.

Bill read first time.

On the question for the second reading of the Bill to-morrow,

In amendment, Mr. Bockus, seconded by Mr. Cartwright, moves that the bill granting an Annuity to the widow of the late Colonel Moodie be read a second time this day, and that the 40th rule of this House be dispensed with so far as relates to the same.

Bill read second time and committed.

Which was carried, and the Bill was read the second time.

The House was put into a Committee of the whole on the bill.

Mr. McDonell of *Northumberland* in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow.

3rd reading to-morrow.

Mr. Burwell, from the Select Committee to which was referred that part of the Journals of last winter Session which relates to the Petition of the Chairman of the Quarter-Sessions of the District of London, presented a Report, and the draft of a Resolution, which was received and read, as follows:—

Select Com. on petition of Chairman Qr. Sessions, (last winter,) present report and draft of resolution.

To the Honourable the COMMONS HOUSE OF ASSEMBLY.

The Committee to whom was referred the subject-matter of the Petition of the Chairman of the Quarter-Sessions of the District of London, respecting means for the erection of a New Gaol in that District, referred to a Committee on the 19th December, 1836, but not reported upon at that time, now beg leave to report:—That they have given the subject referred to them their best consideration, and are satisfied that the erection of a new Gaol is absolutely necessary, as well to promote the effectual administration of justice as for the health of such prisoners as may be necessarily confined in that District.

Report.

With a view to effect this object, your Committee have adopted a Resolution, which they take leave to report herewith, and recommend to the adoption of Your Honourable House.—All which is respectfully submitted.

M. BURWELL, *Chairman.*
R. G. DUNLOP.
THOMAS PARKE.

*Committee Room, House of Assembly, }
9th February, 1837. }*

Resolved—That there be granted to Her Majesty the sum of Four Thousand Pounds, to be raised and levied by assessment on the inhabitant householders of the District of London, and be applied in the erection of a new Gaol in that District.

Resolution.

Mr. Boulton, from the Committee to draft and report an Address to His Excellency the Lieutenant-Governor, praying him to transmit certain Resolutions of this House to His Excellency the Lieutenant-Governor of New Brunswick, reported a draft, which was received and read twice, and ordered to be engrossed and read a third time to-morrow.

Address to transmit resolutions to New Brunswick reported and read twice.

3rd reading to-morrow.

Mr. Bockus, from the Committee to draft a bill pursuant to the Resolution of this House granting a sum of money to Macadamize the Road leading from Sarnia to Plympton and Warwick, reported a draft, which was received and read the first time.

Select Com. to draft Bill to macadamize Sarnia and Warwick road, report draft.

Bill read first time.

Ordered—That the bill granting a sum of money to Macadamize the Road leading from Sarnia to Warwick be read a second time to-morrow.

2nd reading to-morrow.

On motion of Mr. Burwell, seconded by Captain Dunlop,

Ordered—That this House do, on to-morrow, resolve itself into a Committee of Supply on the Report of the Select Committee on the subject of erecting a new Gaol at London, in the District of London.

Report of Select Com. on London Gaol, referred to Com. of Supply to-morrow.

On motion of Mr. Burwell, seconded by Mr. Murney,

Ordered—That the name of Mr. Prince be added to the printing Committee.

Mr Prince added to Printing Committee.

Select Com. to draft bill to macadamize Great Canboro' Road, report draft.

Bill read first time.

2nd reading to-morrow.

Select Com. on petition of H. Davis, report bill to erect Haldimand into a separate District.

Bill read first time.

2nd reading to-morrow.

Select Com. on Contingencies, present report.

Report.

Mr. Rykert, from the Committee to draft and report a bill pursuant to the resolution of this House granting a sum of money to macadamize the Great Canboro' road, reported a draft, which was received, and read the first time.

Ordered—That the bill granting a sum of money to macadamize the great Canboro' road be read a second time to-morrow.

Mr. Merritt, from the Select Committee to which was referred the petition of Hezekiel Davis and others, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

The Report was received, and the Bill was read the first time.

Ordered—That the bill to erect the County of Haldimand into a separate District, be read a second time to-morrow.

Mr. Bockus, from the Committee on Contingencies, presented a report, which was received and read as follows:—

To the Honourable the House of Assembly.

The Select Committee appointed to examine and report on the contingent expenses of Your Honourable House, beg leave to report.

That the Committee on the contingencies of Your Honourable House during the first Session of the present Parliament examined and reported on the contingencies of the previous Session and recess, up to the 8th day of November 1836, being the commencement of that Session, at which time there appeared due to the Clerk of Your Honourable House the sum of £695 16s. 5½d. to enable him to pay all the charges against Your Honourable House for work completed at that period; but as a considerable part of the writing and printing ordered during the previous Parliament, was then unfinished, Your Committee were compelled to estimate for the completion of that work, and they also thought it advisable to estimate for the expenses of the first Session of this Parliament, and ordered the accounts to be closed on the 7th day of November 1837, believing that a periodical settlement of the accounts would more perfectly exhibit the expenses of each branch of the several departments, and thereby enable Your Honourable House to judge more correctly what part of the expenses might, with propriety, be reduced; and in furtherance of this view, the sum of £10,130 6s. 4d. was placed in the hands of the Clerk of Your Honourable House and the sum of £672 8s. 1d. in the hands of the Sergeant-at-Arms, to be accounted for at the next Session of the Legislature, but as an extra Session was held previous to the appointed time for closing the accounts, the further sum of £500 was placed in the hands of the Clerk of Your Honourable House and £200 in the hands of the Sergeant-at-Arms, to enable them to defray the extra expenses of their respective departments, which several sums they have now accounted for, as per their accounts herewith submitted—(from the Clerk marked A. and from the Sergeant-at-Arms marked B.) Your Committee have examined every item in those accounts, and in drawing the attention of Your Honourable House to the account submitted by the Clerk, (marked A.) they beg to remark, that during the year from the 8th of November, 1836, to the 7th of November, 1837, inclusive, there has been paid out for contingencies, as appears by the account, the sum of

of	£ 11,172	3	10½
In this sum is included the several items to complete the service of the previous Session (2nd Session 12th Parliament) viz.:			
Balance due Clerk, as per Account,	£695	16	5½
Copying Clerks, writing Journals, Appendix, &c.,	950	0	0
Printing Paper,	38	1	9
Printing Journals, Appendix, &c.,	893	1	8½
Binding do.	355	18	0
		2,932	17 10½
Leaving the expenses of the Clerk's Department for the past year,		8,239	6 0
To which add the amount of the Sergeant at Arms' Acc't for the same period,		747	3 0
		£ 8,986	9 0

This sum embraces the whole contingencies of the unusual long Session of last Winter, and the extra Session of last Summer,—and although the amount appears large, it is worthy of remark that it is £822 13s. 7d. less than the preceding year.

Your Committee would recommend no alteration in the style of binding the Journals, but that it be done by contract to the lowest tender, and proper security given for its performance.

Your Committee cannot dismiss this part of their Report without remarking that the Accounts of this Department (the Clerk's) have been kept much to the satisfaction of Your Committee, having vouchers filed for every item of expenditure, however inconsiderable in amount.

In submitting the account of the Sergeant at Arms (marked B.), Your Committee would remark that they find the Accounts of this Department correctly made up,—but they have reason

to fear, in many cases, the prices charged for articles furnished for Your Honourable House are extravagantly high,—and would recommend that, in future, greater care be taken that the prices charged for articles furnished be not unreasonable, and that the articles so furnished are required for the legitimate purpose of the public service.

Report of Select Com. on Contingencies.

Your Committee would also beg to remark, that during the Eleventh Parliament, an allowance of £100, in addition to his annual Salary of £50, was made to the Serjeant at Arms, for services during the Recess, and that this allowance was continued and paid each Session of the Twelfth Parliament, and was also allowed the first Session of the present Parliament. This has always been called an allowance for services during the Recess, but as very little duty is required to be performed by this Officer during the Recess, the 1st Messenger being kept under daily pay to take care of the House, &c., it can, in the opinion of Your Committee, only be considered as an annual allowance for the increased duties of the Office, and with that view they have rejected a similar charge for the Recess between the extra and present Session.

Your Committee have made inquiries as to what sum may be requisite to meet the expenses of the present year, and beg herewith to present an estimate for that purpose, which, although nearly £2,000 less than the actual disbursements of the past year, in all probability, will be found quite sufficient to cover the expenses required.

All which is respectfully submitted.

CHAS. BOCKUS, *Chairman.*

DAVID THORBURN,
EDWARD MALLOCH, } *Members of*
G. S. BOULTON, } *Committee.*
E. W. THOMSON,

Committee Room, House of Assembly, }
12th day of February, 1838.

A.

The House of Assembly in account current with JAS. FITZGIBBON, Clerk,
for year ending 7th November, 1837.

[This Account includes the Contingent Expenditure of the House of Assembly for the second Session of the 12th Parliament (in part) and of the first and second Sessions of the 13th Parliament and Recesses.]

PAYMENTS.			RECEIPTS.		
	£	s. d.		£	s. d.
To balance overpaid last year, as per Statement dated 7th November, 1836,	634	3 5½	By Cash received by Warrant, as per Address, ..	10,041	0 6½
To amount undercharged of last year's expenditure, as per account,	61	12 11½	do. by Statute, ..	25	0 0
HOUSE OF ASSEMBLY OFFICE.			do. of Speaker, ..	64	5 10
William P. Patrick, First Clerk, as per vouchers, ..	350	0 0	do. by Warrant, ..	500	0 0
David Jardine, Copying Clerk,	127	10 0			
William Coates, do.	235	0 0			
Nicholas Crawford,	190	0 0½			
Balance due,	26	11 8½			
		216			
Alfred Patrick,	250	0 0			
Balance due,	65	10 10			
		315			
Thomas Vaux,	250	0 0			
Balance due,	32	4 6			
		282			
Samuel McMurray,	200	0 0			
Balance due,	29	16 5½			
		229			
Alfred Todd,	290	0 0			
Balance due,	40	19 11½			
		330			
Thaddeus Patrick,	280	0 0			
Balance due,	49	1 11			
		329			
POSTAGE ACCOUNT.					
James S. Howard, Esquire,	1937	3 1½			
		Carried forward, £		£10,630	6 4½
		5049			

Report of Select Com.
on Contingencies.

PAYMENTS.		RECEIPTS.
<i>Brought forward, £</i>		£10,630 6 4½
PRINTING.		
W. L. Mackenzie, 2nd Sess. 12th Parl.,	625 2 5	
W. J. O'Grady,	267 19 3	
	893 1 8	
Robert Stanton, £550 0 0		
Balance due, .. 272 1i 6		
	822 11 6	
Geo. Gurnett,	43 5 7	
Thomas Dalton,	355 0 0	
James Cull,	36 9 2	
Christian Guardian, . £125 0 0		
Balance due, .. 31 7 6		
	156 7 6	
W. J. Coates,	408 5 1	
	1815 18 10	
PRINTING PAPER.		
James Crooks,	652 18 3	
Eastwood & Skinner,	160 5 9½	
Saxon & McNight,	153 5 3	
	965 9 3½	
BOOK BINDING.		
Richard Brewer,	416 19 4	
Balance due,	227 19 5	
	644 18 9	
STATIONERY.		
Lesslie & Sons, £24 10 3½		
Balance due, .. 8 14 4½		
	33 4 8	
W. F. Price, Esq. (London)— £260 Sterling, and 15 per cent. premium,	333 1 7	
	366 6 3	
REPORTERS.		
R. G. Dalton,	100 0 0	
H. Fowler,	100 0 0	
S. S. Junkin,	100 0 0	
	300 0 0	
LIBRARY.		
Wm. Winder, Esquire, Librarian,	75 0 0	
Alpheus Todd, Attending Library,	12 10 0	
	87 10 0	
MESSENGERS.		
John Kyte, (House)	30 0 0	
King Barton, (Office)	31 7 6	
Æneas Bell, (Chief) per Resolution, 1st Sess. 13th Parliament, .. £25 0 0		
do. 248 days, up to 7th Nov., at 3s. 9d., 46 10 0		
	71 10 0	
James Black,	16 2 6	
John Hynes,	14 2 5	
R. Defries,	15 2 6	
J. Fenwick,	16 2 6	
Thomas Hill,	15 17 6	
J. Vollar,	15 12 6	
	225 17 5	
Robert Marchant, Carpenter,	51 19 1½	
G. Gurnett, Editor of the Courier, per special resolution,	37 10 0	
Thos. Dalton, Editor of the Patriot, do. do.	37 10 0	
	75 0 0	
<i>Carried forward, £</i>	10475 16 3	£10,630 6 4½

PAYMENTS.		RECEIPTS.		Report of Select Com. on Contingencies.
<i>Brought forward,</i> £ 10475 16 3		£ 10,630 6 4½		
Mrs. E. Thomson, for Parliamentary Manuals,	10 12 6			
J. M. A. Cameron, for Writing,	10 0 0			
Francis Hincks, Esq., Accountant,	12 10 0			
Jas. Young, Esquire, do.	12 10 0			
Wm. Stennett, for Lamps,	10 0 0			
Peter McArthur, old Account,	15 0 0			
Wragg & Co., do.	23 0 0			
Hon. Jas. Crooks, £13 15s., and £58 8s. 9d.,	72 3 9			
William Ware, Candles, &c.	3 17 9			
Geo. Walton, two Commercial Directories, ...	0 12 6			
J. Iredale, 6 doz. Wafer-Boxes,	1 16 0			
Wiggins, 10s. 3d.—Chilver, £5 4s. 9d..	5 15 0			
R. Defries, allowance as Messenger for Extra Session,	10 0 0			
E. B. Gilbert, Wooden boxes,	6 12 6			
A. Robertson, Accountant,	5 0 0			
To small sums, as per accounts and receipts, ..	111 8 7½			
Allowance for extra services,	200 0 0			
1 per cent on £6114 19s. 6½d., as disbursement of 2nd Session 12th Parliament,	61 2 10	By balance due as per Debit side of this Account,..	501 17 6½	
1 per cent on £10,430 6s. 4½d., as do. of 1st Session, 13th Parliament,	104 6 1			
£ 11,132 3 10½			11,132 3 10½	

B.

*The House of Assembly in account current with DAVID A. MACNAB,
Sergeant-at-Arms, from 7th Nov., 1836, to 7th Nov., 1837.*

PAYMENTS.		RECEIPTS.	
To amount of disbursements up to close of last Sess. as per accounts &c. sent in to Com- mittee on Contingencies,	£ s. d. 672 8 1	By amount on hand over last year's disbursement as per account,	£ s. d. 253 17 9
To Doorkeeper,	12 10 0	By amount received by warrant from His Excellency the Lieut- enant Governor in March last,	428 10 4
To Silas Burnham, as per acc't,	32 5 11	By amount received by warrant from His Excellency the Lt. Governor in July last,	200 0 0
To James Vollar, Messenger, ...	6 0 0		
To Robert Defries, do.	6 0 0		
To John Fenwick, do.	6 0 0		
To Thomas Hill, do.	6 0 0		
To Michael Connell, do.	6 0 0		
Balance unexpended and carried to credit of new account,	135 5 1		
£ 882 8 1		£ 882 8 1	

*Estimate of the Amount required to meet the Contingent Expenses of
the House of Assembly for the year commencing 7th Nov., 1837.*

JAMES FITZGIBBON, Esq. Clerk.		DAVID A. McNAB, Esq., Sergeant-at-Arms.	
Balance due as per last year's account,	£ s. d. 501 19 6½	Brought forward,	£ s. d. 7,026 19 6½
For Printing,	1,500 0 0	For Firewood, ... £	75 0 0
Stationery,	350 0 0	Sundry accounts, ..	275 0 0
Printing Paper,	400 0 0	Door-Keeper, ..	40 0 0
Binding,	300 0 0	6 Messengers, ..	165 0 0
Postage,	2,000 0 0		£ 555 0 0
Copy Clerks, House and Office Messengers,	1,500 0 0	Less unexpended, as per account,	135 5 1
Other incidental expenses, ..	500 0 0		419 14 11
£ 7,051 19 6½		Total,	£ 7,446 14 5½
Less allowed by Statute 14 Geo. 3 ch. 15,	25 0 0		
£ 7,026 19 6½			

Bill to attach property of absconding debtors, read second time and committed.

Pursuant to the order of the day, the bill to attach the property of absconding debtors was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Bockus in the chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again to-morrow.

The Report was received, and leave granted accordingly.

Bill to relieve disabled and infirm, read second time, and committed.

Pursuant to the order of the day, the bill to provide for the relief of the disabled and infirm was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. McDonell of *Northumberland* in the Chair.

The House resumed.

Reported without amendment.

The Chairman reported that the Committee had agreed to the Bill, without amendment, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow. Adjourned.

Tuesday, 13th February, 1838.

The House met.

The minutes of yesterday were read.

Petitions brought up:

The following petitions were severally brought up and laid on the table:
By Mr. Morris, the petition of James W. Parmenter and W. E. Potter, of the village of Gananoque, District of Johnstown.

J. W. Parmenter and W. E. Potter.

W. Foster and 64 others.

By Mr. Shaver, the petition of William Foster and sixty-four others, of the vicinity of the village of St. Francis (Grennville.)

James Cull.

And by Mr. Sherwood, the petition of James Cull, Civil Engineer, of the City of Toronto.

Mrs Moodie's Pension Bill (2nd) read 3rd time and passed.

Pursuant to the order of the day, the bill granting a pension to the widow and children of the late Colonel Robert Moodie, was read the third time and passed.

Title.

Mr. Bockus, seconded by Mr. Boulton, moves that the bill be entitled, "*An Act to grant a pension to the widow and children of the late Colonel Robert Moodie.*"

Which was carried, and Messrs. Bockus and Boulton were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council and to request their concurrence thereto.

Address to transmit resolutions to New Brunswick read 3rd time and passed.

Pursuant to the order of the day, the address to His Excellency the Lieutenant Governor, praying him to transmit to His Excellency Sir John Harvey, Lieutenant Governor of New Brunswick, the resolutions of this House respecting that Province, was read the third time and passed and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY,—

Address.

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, having passed sundry Resolutions on the subject of the Resolutions of the Legislative Council and Assembly of the Province of New Brunswick, transmitted to this

House by Your Excellency, humbly request that Your Excellency will be pleased to transmit the same to His Excellency Sir John Harvey, Lieutenant Governor of New Brunswick, in order that the same may be laid before the Legislative Council and House of Assembly of that Province.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly, }
13th day of February, 1838. }

Pursuant to the order of the day, the bill to provide for the relief of the disabled and infirm was read the third time. Bill to relieve disabled and infirm, read 3d time!

On the question for passing the Bill,

In amendment, Mr. Marks, seconded by Mr. Ruttan, moves that the bill do not now pass, but that it be referred to a Select Committee composed of Messrs. Merritt, Thomson, and Dunlop, with power to report thereon. Motion to refer Bill to Select Committee.

Which was carried and ordered. Carried.

Pursuant to the order of the day, the following petitions were read:— Petitions read:

Of William Anderton, J. P. and 94 others of the Western District, praying aid for a road. Wm Anderton, J P, and 94 others.

Of John Ewart, of the City of Toronto, praying that his claim for superintending and measuring the Parliament building may be settled. John Ewart.

And of Donald McKenzie, J. P., and thirty-seven others of the Township of Tyendinaga (Hastings,) praying for aid to build a bridge over the Salmon River in that Township. Donald McKenzie, J P, and others.

On motion of Mr. Bockus, seconded by Mr. Thorburn, Petitions referred:

Ordered—That the petition of John Ewart be referred to a Committee of Supply on to-morrow. Of John Ewart.

On motion of Mr. Manahan, seconded by Mr. McDonell of Northumberland,

Ordered—That the petition of Donald McKenzie, J. P., and others, be referred to a Committee of Supply on to-morrow. Of D. McKenzie, J P, and others.

On motion of Mr. McLean, seconded by Mr. Cameron,

Ordered—That the petition of Donald McDermid be referred to a Committee of Supply on to-morrow. Of Donald McDermid.

Mr. Cameron gives notice that he will, on to-morrow, move that an humble address be presented to His Excellency the Lieutenant Governor, praying him to inform this House what persons (if any) have been appointed (under the 15th clause of the Act to amend the charter of the London and Gore Rail Road Company) to survey and locate the Western termination of the great Western Rail Road; and what report (if any) said persons have made. Notice of Address for information respecting survey of Western termination of great Western Rail Road.

The Master in Chancery brought down from the Honourable the Legislative Council two Messages, and the Bill entitled— Messages from Legislative Council.

“An Act to postpone the sale of Lands in arrear for taxes, and to amend the law relative to the sale of such Lands,” Bill to postpone sale of lands for taxes, sent down amended.

to which that Honourable House had made some amendments, and requested the concurrence of this House thereto.

The Messages were read by the Speaker, as follows:—

MR. SPEAKER,

The Legislative Council has passed the bill sent up from the Commons House of Assembly entitled, “An Act to amend so much of an Act passed in the seventh year of His late Majesty’s reign, entitled ‘An Act to increase the present number of the Judges of His Majesty’s Court of King’s Bench in this Province, to alter the terms for the sitting of the said Court, and for other purposes therein mentioned,’ as relates to Hilary Term,” without any amendment. Bill to amend law respecting Hilary Term passed.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
9th day of February, 1838. }

MR. SPEAKER,

Conference requested on Bill granting pensions to widows and children of militiamen.

The Legislative Council request a Conference with the Commons House of Assembly upon the subject matter of the Bill sent up from that House entitled "*An Act to provide pensions for the widows and children of Militiamen killed in the late Rebellion, and for other purposes therein mentioned.*" and have appointed the Honourable Messrs. Hamilton and Morris to be Conferees on the part of this House, who will be ready to meet a Committee on the part of the Commons House of Assembly on Wednesday next, at the hour of twelve of the clock at noon, in the Committee-Room of the Legislative Council, for that purpose.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Twelfth day of February, 1838. }

Amendments to bill to postpone sale of lands for taxes, read first time.

The amendments made by the Honorable the Legislative Council, in and to the Bill sent up from this House, entitled,

"*An Act to postpone the sale of Lands in arrear for Taxes, and to amend the Law relative to the Sale of such Lands*"—

Were read the first time, as follows :—

Amendments.

In the Title—Line 2—After "taxes," expunge the remainder.

In the Bill—Press 1, Line 21.—After "notwithstanding," expunge the remainder.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Ninth day of February, 1838. }

2nd reading to-morrow.

Ordered—That the amendments be read a second time to-morrow.

On motion of Mr. Boulton, seconded by Mr. Ferrie,

Committee appointed to meet Conferees of Legislative Council on Militia pension bill.

Ordered—That Messrs. Cartwright, Bockus, Ruttan, and Sherwood, be a Committee to meet the Conferees of the Honourable the Legislative Council, to-morrow, at noon, in a Committee-Room of the Legislative Council, on the subject matter of the bill sent up from this House, entitled, "*An Act to provide pensions for the widows and children of Militia Men killed in the late Rebellion, and for other purposes therein mentioned.*"

Motion to print 1800 additional copies of Report on State of the Canadas.

Mr. Boulton, seconded by Mr. Cartwright, moves that 1800 additional copies of the Report of the Select Committee on the State of the Province be printed for the use of members.

Division.

On which the Yeas and Nays were taken as follows :—

Y E A S.

Yeas—17.

Messieurs Aikman, Armstrong, Attorney-General, Boulton, Burwell, Cartwright, Dunlop, Ferrie, Gamble, Malloch, Manahan, McCrae, McDonell of Northumberland, McKay, Prince, Ruttan, Shade—17.

N A Y S.

Nays—14.

Messieurs Bockus, Cameron, Chisholm of Glengarry, Cook, Dellor, McDonell of Stormont, McIntosh, McLean, Morris, Parke, Rykert, Shaver, Thorburn, Woodruff—14.

Carried, majority 3.

The question was carried in the affirmative by a majority of three, and ordered accordingly.

House again in Committee on report on petition of J. Gamble, Esq.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Report of Select Committee on petition of J. W. Gamble, Esq., Chairman Quarter Sessions Home District.

Mr. Morris in the chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some further progress in the consideration of the Report, and asked leave to sit again to-morrow.

The Report was received, and leave granted accordingly.

Pursuant to the order of the day, the Address to Her Majesty, praying Her Majesty to confirm the Erie and Ontario Bank Bill, was read the second time and referred to a Committee of the whole.

Address to confirm Erie and Ontario Bank Bill, read second time and committed.

Mr. Burwell in the Chair.
The House resumed.

The Chairman reported that the Committee had made some progress in the Address, and asked leave to sit again to-morrow. Progress reported.

The Report was received, and leave granted accordingly.

Pursuant to the order of the day, the bill granting a sum of money to macadamize the road leading from Sarnia to Warwick was read the second time. Sarnia and Warwick road bill, read second time and committed.

The House was put into a Committee of the whole on the bill.
Mr. Parke in the chair.

The House resumed.

The chairman reported that the Committee had made some progress in the bill and asked leave to sit again to-morrow. Progress reported.

The Report was received, and leave granted accordingly.

Pursuant to the order of the day, the House was put into a Committee of Supply on the petition of John Williamson and others. House in Com. of Supply on petition of J. Williamson and others.

Mr. McLean in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to a Resolution which he was directed to submit for the adoption of the House. Resolution reported.

The Report was received.

The Resolution was put, as follows:—

Resolved—That there be granted to Her Majesty the sum of £20,000 to enable Her Majesty to grant by way of loan a like sum for the construction of a Macadamized Road from the Macadamized Road at Hamilton, in the Gore District, to the West Boundary line of the Township of Grimsby, in the Niagara District, said loan to be repaid by tolls to be collected on said road and the security of the District. Resolution.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs *Aikman, Bockus, Burwell, Dettlor, Duncombe, Dunlop, Ferrie, Gamble, Manahan, Marks, McDonell* of Northumberland, *McDonell* of Stormont, *McKay, Merritt, Parke, Robinson, Shade, Thomson*—18. Yeas—18.

N A Y S.

Messieurs *Boulton, Chisholm* of Glengarry, *Malloch, McLean, Rutan*—5. Nays—5.

The question was carried in the affirmative by a majority of thirteen, and the resolution was adopted. Carried, majority 13.

On motion of Mr. Aikman, seconded by Mr. Merritt,

Ordered—That Messrs. *Chisholm of Halton*, and *Rykert*, be a Committee to draft and report a bill upon the foregoing resolution. Committee to draft Bill on the resolution.

Pursuant to the order of the day, the bill granting an increase of salary to Mr. Smith, Warden of the Provincial Penitentiary, was read the second time. Bill to increase salary of Penitentiary Warden, read 2nd time and committed.

The House was put into a committee of the whole on the Bill.

Mr. Merritt in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Motion for Speaker to leave the chair each day at 2 o'clock for one hour.

Mr. Aikman, seconded by Mr. Shade, moves that for the remaining part of this Session the Speaker do leave the Chair each day at the hour of two o'clock, and resume it again at the hour of three.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—13.

Messieurs *Aikman, Bockus, Burwell, Cartwright, Cook, Deltor, Ferrie, Marks, McKay, Morris, Rykert, Shade, Shaver*—13.

N A Y S.

Nays—15.

Messieurs *Armstrong, Boulton, Chisholm* of Glengarry, *Duncombe, Gamble, Malloch, Manahan, McDonell* of Northumberland, *McDonell* of Stormont, *McLean, Parke, Robinson, Ruttan, Thomson, Thorburn*—15.

Lost, majority 2.

The question was decided in the negative by a majority of two.

On motion of Mr. Shade, seconded by Mr. Merritt,

Report on petition of H. W. Peterson & Co., referred to Select Com. on Printing.

Ordered—That the report of the Select Committee on the petition of H. W. Peterson & Co. be referred to the Select Committee on Printing.

House in Committee of Supply on petition of Nancy Strobridge.

Pursuant to the order of the day, the House was put into a Committee of Supply on the petition of Nancy Strobridge.

Mr. Cook in the chair.

The House resumed.

Resolutions reported.

The chairman reported that the Committee had agreed to a Resolution which he was directed to submit for the adoption of the House.

The report was received.

The Resolution was put, as follows:—

Resolution.

Resolved—That there be granted to Her Majesty the sum of £548 17s. 11d. Halifax currency, for the purpose of paying to Nancy Strobridge that amount of interest due to her late husband upon an award made in his favour as Contractor on the Burlington Canal.

Division on Resolution.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—11.

Messieurs *Aikman, Armstrong, Chisholm* of Glengarry, *Duncombe, Ferrie, Manahan, McDonell* of Northumberland, *Parke, Rykert, Shaver, Thorburn*,—11.

N A Y S.

Nays—13.

Messieurs *Bockus, Burwell, Cartwright, Cook, Deltor, Gamble, Malloch, McIntosh, McLean, Morris, Robinson, Shade, Thomson*—13.

Lost, majority 2.

The question was decided in the negative by a majority of two.

Adjourned.

Wednesday, 14th February, 1838.

The House met.

The minutes of yesterday were read.

Petitions brought up:

The following petitions were severally brought up and laid on the table:

James Robinson.

By Mr. Solicitor-General, the petition of James Robinson, of the City of Toronto—The petition of James Durnan, Light-House Keeper, Gibraltar Point—the petition of Thomas Collins, of the City of Toronto—and the petition of Thomas Collins and Michael McNeeson, of the same place.

James Durnan.

T. Collins.

Thomas Collins and M. McNeeson.

Trustees, &c., Ancaster Literary Institution. J. McKenzie, and 100 others.

By Mr. Aikman, the petition of the Trustees and Shareholders of the Ancaster Literary Institution—and the petition of John McKenzie and one hundred others, of the township of Ancaster (Halton.)

And by Mr. Morris, the petition of Alanson Boxter and nineteen others, of the townships of Elizabethtown and Yonge (Leeds.) A. Boxter and 19 others.

Pursuant to the order of the day, the bill to increase the salary of Henry Smith, Esq., Warden of the Provincial Penitentiary, was read the third time and passed. Bill to increase salary of Penitentiary Warden, read 3rd time and passed.

Mr. Thomson, seconded by Mr. Detlor, moves that the bill be entitled, "An Act to enable Her Majesty to remunerate Henry Smith, Esq., Warden of the Provincial Penitentiary, for past services performed and disbursements made by him, and to increase the salary of that officer." Title.

Which was carried, and Messrs. Thomson and Detlor were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the following petitions were read:— Petitions read:

Of John Scarlett and W. B. Jarvis, Esquires, of the Home District, praying that the road from Dundas Street to the Village of Weston may be macadamized. J. Scarlett and W. B. Jarvis.

Of William Hust, of the township of Markham, (York) praying remuneration for a wound received during the late insurrection. William Hust.

Of John T. Cooper and thirty-three others, of the County of Haldimand, praying that said County may be set off into a separate District. J. T. Cooper, & 33 others.

Of Abishai Morse and and thirty-five others, of the District of Niagara, praying that said District may be divided into two separate Districts. A. Morse, & 35 others.

Of Robert Mercer, Esquire, and thirty-two others, Shareholders in the Niagara and Detroit Rivers Rail-Road Company, praying that they may have two years further allowed them to commence said Rail-Road. R. Mercer, & 32 others.

Of John Scarlett and 292 others, of the townships of York, Etobicoke, Vaughan, Toronto, Chinguacousy, Albion, and the Gore of Toronto, (York) praying for a loan of £12,000 to macadamize a road from Dundas-Street to Collins' Tavern, *via* the Village of Weston. J. Scarlett and 292 others.

Of James Fraser and two others, Commissioners under the Act of last Session for relief of certain Banking Institutions, praying for an amendment of said Act. J. Fraser and 2 others.

Of George Chalmers and one hundred and forty-nine others, of the Township of Trafalgar, (Halton.) praying for the opening of a Road from Oakville to Owen Sound, on Lake Huron. G. Chalmers and 149 others.

And of George Chalmers and sixty-four others, of the Township of Trafalgar, (Halton,) praying that the Macadamization of Dundas Street may be continued through said Township. G. Chalmers, & 64 others.

On motion of Mr. Solicitor General, seconded by Mr. Shaver, Petitions referred:

Ordered—That the petition of Thomas B. Wragg, and others, be referred to a Select Committee, to consist of Messrs. Murney, Prince, Shade, and Malloch, with power to send for persons and papers, and to report thereon, by Bill or otherwise. Of T. B. Wragg & others.

On motion of Mr. Solicitor-General, seconded by Mr. Shaver,

Ordered—That the Petition of Christopher R. Denholm be referred to the Select Committee on Contingencies, with power to report thereon. Of C. R. Denholm.

On motion of Mr. Thomson, seconded by Mr. Aikman,

Ordered—That the Petition of William Hust be referred to a Select Committee; and that Messrs. Robinson, Rykert, and Parke do compose the same. Of William Hust.

On motion of Mr. Gamble, seconded by Mr. Shade,

Ordered—That the Petition of John Scarlett and two hundred and ninety-two others be referred to a Select Committee, and that the said Committee be composed of Messrs. Thomson, Robinson, and McIntosh—with power to report thereon by bill or otherwise. Of John Scarlett & others.

Of G. T. Denison, Esq.,
and others.

On motion of Mr. Solicitor-General, seconded by Mr. Thorburn,

Ordered—That the Petition of George T. Denison and nine hundred others be referred to the same Committee to whom was referred the Petition of John Scarlett and others, with power to send for persons and papers, and to report thereon.

Of J. Scarlett and W.
B. Jarvis.

On motion of Mr. Thomson, seconded by Mr. Rykert,

Ordered—That the Petition of John Scarlett and W. B. Jarvis be referred to the Committee to whom was referred the Petition of John Scarlett and others, with power to report thereon.

Of H. Alison and others.

On motion of Mr. McCrae, seconded by Mr. Kearnes,

Ordered—That the Petition of Harry Allison and others be referred to the same Committee to whom was referred the petition of R. E. Vidal and others.

Committee to draft Bill
to macadamize Hamilton
and Grimsby road,
report draft.

Mr. Rykert from the Committee to draft and report a bill pursuant to the resolution of this House granting a sum of money to macadamize the road from Hamilton to Grimsby, reported a draft, which was received and read the first time.

Bill read first time.

2nd reading to-morrow.

Ordered—That the bill to macadamize the Hamilton and Grimsby road be read a second time to-morrow.

Select Com. on bill for
relief of disabled and
infirm, report the bill.

Mr. Thomson, from the Select Committee to which was referred the bill for the relief of the disabled and infirm, reported the bill.

Bill read first time.

The Report was received, and the bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

McNab and Church
pension bill, read second
time.

Pursuant to the order of the day, the bill granting pensions to the widows and children of the late Captains McNab and Church was read the second time.

Committee of whole
to-morrow.

Ordered—That the House be put into a Committee of the whole on the bill to-morrow.

Niagara & 10 mile-Creek
Road Bill read second
time and committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the bill granting a sum of money to macadamize the road leading from Niagara to the 10 mile creek.

Mr. Boulton in the chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some further progress in the Bill, and asked leave to sit again to-morrow.

The Report was received, and leave granted accordingly.

Militia Bill again
committed.

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

Mr. Robinson in the chair.

The House resumed.

Reported amended.

The Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House.

The Report was received.

On 3d reading to-morrow,

On the question for the third reading of the bill to-morrow, the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—24.

Messieurs Aikman, Boulton, Burwell, Cameron, Chisholm of Halton, Detlor, Duncombe, Dunlop, Ferrie, Gamble, Malloch, Marks, McDonell of Northumberland, McDonell of Stormont, McKay, Robinson, Rykert, Shade, Thomson, Woodruff—20.

N A Y S.

Nays—4.

Messieurs Chisholm of Glengarry, Manahan, McLean, Ruttan—4.

The question was carried in the affirmative by a majority of sixteen, and the bill was ordered to be engrossed and read a third time to-morrow. Carried, majority 16.

Pursuant to the order of the day, the Bill to levy a tax on certain Wild Lands in the District of Gore was read the second time. Bill to tax wild lands in the District of Gore, read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Gamble in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

On the question for receiving the Report, the Yeas and Nays were taken as follows:— On receiving report:

Y E A S.

Messieurs *Boulton, Burwell, Cameron, Cartwright, Chisholm* of Glengarry, *Dellor, Ferrie, Gamble, Malloch, Marks, McDonell* of Stormont, *McKay, Rykert, Shade, Thomson, Thorburn*—16. Yeas—16.

N A Y S.

Mr. *McLean*—1. Nays—1.

At a quarter before three o'clock, P. M., the Speaker declared the House adjourned for want of a quorum. No Quorum.

Thursday, 15th February, 1838.

The House met.

The minutes of yesterday were read.

The question for receiving the Report of the Committee of the whole on the Bill to tax certain lands in the District of Gore being put, the Report was received, and the bill was ordered to be engrossed and read a third time to-morrow. Report of Committee of whole on bill to tax lands in the District of Gore received.

The following Petitions were severally brought up and laid on the table:— Petitions brought up:

By Mr. Prince, the Petition of Robert Lachlan, Esq., Sheriff of the Western District. Robert Lachlan, Esq.

By Mr. Solicitor-General, the Petition of John G. Howard, of the City of Toronto, architect. John G. Howard.

And by Mr. Aikman, the Petition of James Racey and two hundred and forty-seven others, of the Town and Township of Brantford, Town of Paris, and Township of Dumfries, District of Gore. J. Racey and 247 others.

On the order of the day, for the third reading of the Militia Bill, being called, On order of day for third reading of Militia Bill,

In amendment, Mr. Sherwood, seconded by Mr. Boulton, moves, that the Bill be not read a third time, but that it be referred to a Select Committee, consisting of Messrs. Bockus, Attorney-General, and Thomson, to report thereon. Bill referred to select committee.

Which was carried and ordered.

Pursuant to the order of the day, the following petitions were read:— Petitions read:

Of James W. Parmenter, and W. E. Potter, of the Village of Gananoque, District of Johnstown, praying to be naturalized. J. W. Parmenter and W. E. Potter.

Of William Foster and sixty-four others of the vicinity of St. Francis, (Grenville) praying that no petition for a macadamized road from that Village to Carlton Place may be attended to. W. Foster and 64 others.

James Cull.

And of James Cull, Civil Engineer, of the City of Toronto, complaining that he was advertised as an absconding or concealed debtor, while in arms for the defence of the Province during the late rebellion, though he had property sufficient to meet double the amount of the demands of his creditors, and praying that a recurrence of the same may be prevented by legislative enactment.

Petitions referred :

On motion of Mr. Cartwright, seconded by Mr. Detlor,

Of J. Fraser and others.

Ordered—That the petition of James Frazer and others, Commissioners of the Freeholders' Bank of the Midland District, be referred to a Select Committee, composed of Messrs. Murney and Marks, with power to report by bill or otherwise.

On motion of Mr. Shaver, seconded by Mr. Malloch,

Of W. Foster and others.

Ordered—That the petition of William Foster be referred to a Select Committee, to be composed of Messrs. Bockus and Cook, to report thereon,

Notices :

Of bill to compel submission of claims for damages by overflowing of mill-dams, &c.

Mr. Sherwood gives notice that he will, on to-morrow, move for leave to bring in a bill, compelling individuals who have sustained, or may sustain, damage by means of their lands being overflowed by the erection of Mill Dams, &c., to submit their claims to arbitration under certain conditions.

Of Address to H. Majesty to assent to bill to increase stock of Midland District Bank and Gore Bank.

Mr. Cartwright gives notice that he will, on to-morrow, move an Address to Her Majesty, praying Her Majesty to assent to the bills increasing the capital stock of the Commercial Bank of the Midland District, and the Gore Bank.

Committee of Conference on bill granting pensions to widows and children of militiamen, present report.

Mr Boulton, from the Committee of Conference with the Honourable the Legislative Council on the bill entitled,

"An Act to provide pensions for the widows and children of Militia-Men killed in the late Rebellion, and for other purposes therein mentioned,"

presented a report, which was received and read as follows :—

Report.

The Legislative Council have requested this Conference with the Commons House of Assembly upon the subject matter of the bill entitled "An Act to provide pensions for the widows and children of Militiamen killed in the late Rebellion and for other purposes therein mentioned," for the purpose of representing, that upon an examination of the provisions of this bill compared with the Pension Act of 1813, they find that the allowance is increased from twenty to forty pounds to the widows and children of persons killed in the service, or who may die in consequence of any accident or casualty while performing any duty on actual service.

The bill makes another material alteration in the present law by providing the same pensions for the widows and children of persons who may die of any disease contracted on service without limit as to when such death may so happen, which in the opinion of the Legislative Council may leave room for very great abuse. There is another deviation from the present law which it may be proper also to notice, which is, that the proposed pensions are to be continued till the youngest child shall arrive at the age of twenty-one years, instead of sixteen years.

However praiseworthy it is to make a liberal provision for the families of those who sacrifice their lives in the service of their country, the Legislative Council are not prepared at this time, when the Province is deeply in debt, to sanction a provision so greatly exceeding the allowance hitherto made in favour of Provincial Pensioners, and so far beyond the amount allowed to those of Her Majesty's regular Forces.

It is true that the Legislative Council did not object to the amount of the proposed allowance for the widow of the late Colonel Robert Moodie, although it exceeds the regulated provision of Her Majesty's service for the widow of an officer of his rank; but the peculiar circumstances which attended the death of that lamented individual may very fairly justify the Legislature in granting a greater allowance to his Widow than might be deemed proper for the Widow of an Officer of the same rank who fell in action with the enemy; for Colonel Moodie surrendered his life in an attempt to save the Capital of this Province from falling into the power of a band of traitors, headed by a merciless leader, who would have deluged the country with blood had his diabolical designs not been frustrated.

Should the scale of Pensions be augmented by this Bill, the Pensioners of the late War will have reason to complain that they have not received that consideration which it would seem the Legislature is disposed to bestow on those who may suffer hereafter, and will very likely claim a corresponding addition to their allowances.

By the fifth clause of the Bill, which, owing to an error in the language, it is not easy to understand, it would seem to be the intention to provide a Pension of Twenty Pounds for every person wounded, or in any way disabled, whilst on service; and that if such wound shall be equal to the loss of a limb, then the pension shall be Forty Pounds.

Mr. Bockus, from the Select Committee to which was referred the Bill to regulate the Fisheries within this Province, reported the Bill.

Select Committee on Fisheries regulation bill report the bill.

The Report was received, and the Bill was read the first time.

Bill read first time.

Ordered—That the Bill be read a second to-morrow.

2nd reading to-morrow.

Mr. Marks, from the Committee on Printing, presented a second Report, which was received and read as follows:—

Select Com. on Printing present second report.

To the Honourable the Commons House of Assembly.

Committee Room, House of Assembly, }
14th February, 1837. }

Report.

PRESENT.—Messieurs Morris, Marks, Prince, Manahan, Boulton.

Resolved—That Mr. Marks be appointed Chairman, in the room of Mr. Gowan, the former Chairman.

Resolved—That the Report on the petition of H. W. Peterson & Co., to have 500 copies of His Excellency's Speech, and the answer thereto, at the opening of this Parliament, printed in the Dutch language, be concurred in; and that the necessary papers for printing the same be sent to the Editors of the Canada Museum newspaper.

Resolved—That the printing of the Resolutions on Breach of Neutrality, and the Address to Her Majesty thereon, be given to the Editor of the Patriot, and that copies be ordered.

Resolved—That the Clerk of the Assembly be instructed to pay Mr. Stanton for Printing 2000 copies of the Report on the State of the Provinces.

All of which is most respectfully submitted.

J. MARKS,
Chairman.

Mr. Sherwood, from the Select Committee to which was referred the petition of John S. Cartwright, Esquire, informed the House that the Committee had agreed to Report by Bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Select Com. on petition of J. S. Cartwright, Esq., report Kingston Incorporation Bill.

The Report was received, and the Bill was read the first time.

Bill read first time.

Ordered—That the Bill to Incorporate the Town of Kingston be read a second time to-morrow.

2nd reading to-morrow.

Mr. McKay, from the Select Committee to which was referred the petition of Angus McGillivray, and others, informed the House that the Committee had agreed to report by Bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same,

Select Com. on petition of A. McGillivray and others report Glenelg Township Bill.

The Report was received, and the Bill was read the first time.

Bill read first time.

Ordered—That the Bill to erect certain Concessions of Lochiel and Kenyon into a new Township, to be called "Glenelg," be read a second time to-morrow.

2nd reading to-morrow.

Mr. Sherwood, from the Committee to which was referred the Resolutions of this House, on the subject of the invasion of this Province by Foreigners, presented a Report, together with the Resolutions, and the draft of an Address to Her Majesty.

Select Com. on resolutions on invasion by foreigners present Report and Address.

The Report was received.

The Report was read, as follows:—

To the Honourable the Commons House of Assembly.

The Committee, to whom were referred the Resolutions adopted by Your Honourable House, upon the Invasion of this Province by Foreigners, beg leave respectfully to Report:—

Report.

That they have obtained the Affidavits of Colonel Radcliffe, and Lieutenant Colonel Prince, of the Western District, establishing beyond any doubt the circumstances set forth in the said Resolutions, which they have appended hereto, together with the Documents referred to in the affidavit of Mr. Prince,—which they beg leave to recommend may be transmitted to Her Majesty with the said Resolutions.

HENRY SHERWOOD,
Chairman.

Committee Room, House of Assembly, }
15th February, 1838. }

Documents accompany-
ing Report.

THOMAS RADCLIFFE, of the Township of Adelaide, in the County of Middlesex, in the London District of Upper Canada, (a Colonel in the Militia of this Province, Commanding on the Western District Frontier, but now at Toronto) and John Prince, of Sandwich, in the County of Essex, in the said Western District, (a Lieutenant Colonel of Militia, on the same Frontier, but now attending at Toronto, as a Member of the Provincial Legislature) jointly and severally make oath and say:—

And first this deponent John Prince, for himself says, that in the month of December last, rumours were afloat in the Western District that certain traitors and Rebels, who had fled from this country to the United States of America, as well as great numbers of the Citizens of those States, were congregating in and near the City of Detroit, and in various other parts of Michigan—and were enrolling and drilling Volunteers, and supplying them with arms and munitions of war, for the express purpose of invading the Western District of this Province: and this deponent having instituted a very minute inquiry into the subject, found that the reports were true; and being one of the Members for the said County of Essex, and also Chairman of the Quarter Sessions, he felt it his duty to convene a Public Meeting of the Magistrates, and chief persons in his neighbourhood, on the Twentieth day of December last, when Resolutions were unanimously passed for calling out the Militia Forces, and for putting the Frontier in as good a state of defence as circumstances so urgent would admit of.

And this deponent says, that having been some days afterwards credibly informed by those on whom he could rely, (and of which facts he had not the slightest doubt) that a large number of Citizens of the United States of America, but more especially of the State of Michigan, had enrolled, and were daily enrolling themselves as Volunteers under leaders, styled Generals Sutherland and Theller,—Colonels Roberts, Handy, and Dodge,—and Captains Davis, Brophy, Townsend, and others, at Cleveland, in the State of Ohio, and in the City of Detroit, and at Monroe, Pontiac, and Mount Clemens, in the State of Michigan; and that they recruited, paraded, and drilled in public, under arms, and with the avowed purpose of invading this Province—of destroying the British power and Constitution here—of subverting our Laws, and of serving, in what they publicly proclaimed, in a printed Hand-Bill (a copy whereof is hereunto annexed, and signed and certified by this deponent to be true) the “great and glorious cause, the cause of liberty and the oppressed,” and that they made a place called Gibraltar, in Michigan, on the River Detroit, nearly opposite to Fort Malden, in this Province, their Head Quarters—where they continually practised firing cannon, drilling, and exercising with fire-arms and other weapons—he, this deponent, informed His Excellency STEVENS T. MASON, Governor of the State of Michigan, of what was going on, and that although they were prepared to meet any attack, he nevertheless called upon him (the Governor) to enforce the laws of the United States, and to preserve the peace; and His Excellency declared that he would do so.

And this deponent also says, that while these things were going forward he was informed by persons sent by him, and other authorities in Sandwich and the neighbourhood, to obtain all the information they could of the proceedings in Michigan (and on the truth and correctness of whose information he and his friends implicitly relied) that the Citizens, Traitors, and Rebels above mentioned possessed themselves, at various times, of upwards of two hundred stand of fire-arms (chiefly muskets and bayonets) from the Jail in the City of Detroit, and of a waggon load of gunpowder and ammunition from a place called the powder-house in that City—also of another large quantity of fire-arms, and one cannon, from Monroe, and of two cannon from Fort Gratiot—and that all such arms, ammunition, and cannon were the property, and in the custody of the United States Government, and that they also possessed themselves of about eighty stand of arms belonging to a company of Volunteers, called “The Brady Guards,” in the City of Detroit—and of a Schooner called the “Anne,” from one of the wharves in that City, without any serious opposition from the authorities of Michigan, and that they received pecuniary and other assistance from many of the wealthy and influential Citizens of that State.

And this deponent also says, that about ten o'clock of the morning of Saturday, the sixth day of January last, he saw a Schooner, deeply laden and full of men, proceeding down the River Detroit, opposite to Sandwich, under the American shore and towed by boats, and suspecting her, and having caused inquiries to be made about her he was informed that she was the Schooner “Anne”, above-mentioned, and that she had left Detroit that morning in broad day-light, full of men, arms, ammunition, and provisions, and with three cannon on board, for the avowed purpose of joining the forces concentrated at Gibraltar, and of invading and taking Bois Blanc Island and Fort Malden, in this Province—whereupon deponent wrote to Governor Mason a letter (a true Copy whereof marked (A) is hereunto annexed, and certified under this deponent's hand to be correct); and some hours afterwards he received from Governor Mason a reply—(a true copy whereof marked (B) is hereunto annexed—and is also certified under his hand to be correct): And this deponent also says, that on that same evening he saw the Marshall, or Officer, who had been sent by Governor Mason in search of the Schooner, as mentioned in His Excellency's letter, and on enquiring what had been done in the business, he (the Marshall) replied that they went within a few rods of the Schooner and hailed her, but the men on board informed him that if his boat (which was a ferry Steam-boat called the “United,” plying between Sandwich and Detroit, and open for the use of both countries) came any nearer to them they would fire on her,—and that he, and the authorities whom he took from Detroit with him, being without arms, and only twenty-five in number, and seeing that the Schooner had cannon on board, thought it prudent to return at once to Detroit without attempting to capture her. But this deponent says, that in a conversation which he had with the man called Captain Davis (who was afterwards made a prisoner when the Schooner was taken a few days subsequently, as will hereafter appear), he (Davis) deliberately and distinctly stated, in the presence of this deponent, of the other deponent,

Colonel Radcliffe, and also of several Officers and other persons at Malden,—that upon the occasion above-mentioned the Marshall with his men and boat did not approach nearer than within half a mile of the Schooner, and that four or five men on the boat's deck gave three cheers, (which he (Davis) considered as cheers of approval of their expedition) and that the boat then turned round and went towards Detroit, and they saw no more of her. And this deponent also says, that soon after twelve o'clock, on that same night of the Sixth of January last, he embarked in the said Steam-boat, called the "United" (which he impressed for that service) with about One Hundred and Sixty Volunteers, under arms, for the purpose of defending Malden and Bois Blanc from the threatened invasion, and that he was on duty there throughout the whole of the two following days and nights, and having received from a scout certain information respecting the said Schooner and the Invaders, he wrote another letter early in the morning to Governor Mason, (a true copy whereof, marked (C.) is hereunto annexed, and certified under this deponent's hand to be correct) and he despatched a messenger with it to Detroit. And deponent says that about an hour after sunset on the same evening, he saw, by moonlight, two boats and a large scow filled with armed men, (in number, as he afterwards ascertained, about two hundred and fifty) and having cannon on board, pull off from an Island belonging to the United States of America towards Bois Blanc, and when they approached within about four hundred yards of the latter Island (where he and other volunteers were prepared to meet them) they fired from the scow two cannon shots into Bois Blanc, which rattled among the trees around the place where deponent and others waited to receive the enemy, and which was the first hostile shot fired on the Western District Frontier, and in about an hour afterwards they pulled back to the American shore without attempting to land on or further interfere with Bois Blanc.

Documents accompanying Report.

And deponent says that in about two hours afterwards the said Schooner "Anne" (which was in the offing about a mile below Bois Blanc during the above occurrence) full of armed men, sailed up the British Channel between Bois Blanc and the town of Amherstburg (otherwise Fort Malden) and fired two cannon shots into that town; and she was beaten off by rifle and musket shots from the town. And this deponent also says that before day-break on the following day, he wrote another letter to Governor Mason, a true copy whereof, marked (D.) is also hereunto annexed, and certified under this deponent's hand to be correct, and on the next day he received from the Governor two letters and also a letter from Mr. Schwartz, true copies of which, marked (E.) (F.) and (G.) are also hereunto annexed and certified in like manner to be correct.

And these deponents, JOHN PRINCE and THOMAS RADCLIFFE, for themselves jointly and severally say, that on Tuesday, the ninth day of January last, a large body of the invaders, from the opposite shore of Michigan, landed on Bois Blanc, and proceeded to the residence of Her Majesty's Light-house Keeper there, and carried off all his and his wife's wearing apparel, and other articles, but decamped before they could be attacked or taken by the Volunteer or Militia Forces; and on the same day the aforesaid Schooner "Anne," with upwards of twenty armed men on board (almost all of whom turned out to be American Citizens) attacked the Town of Amherstburg and the Militia and Volunteer forces assembled there for its defence, and fired at them twelve or fourteen discharges of cannon ball, grape, and cannister shots, besides a great number of musket shots, which was returned by the rifles and muskets of the Militia and Volunteers, who at length succeeded in capturing her in about an hour after the action commenced, having first killed several of her crew and made 21 prisoners—and taking from her three cannon, besides a large quantity of arms and ammunition, and some provisions—and these deponents also say, that the occurrences above detailed took place on the River Detroit, and at a distance not exceeding twenty miles from the City of that name, which is the capital and the seat of Government of the State of Michigan. And this deponent, John Prince, further says, that having received certain despatches informing him of the movements of the invaders from Navy Island, on the Niagara Frontier of this Province, towards the Western District Frontier, he thought it prudent to give Governor Mason notice of such movements, and he wrote a letter to that Governor, a true copy whereof, marked (H.) is hereunto annexed, and certified by deponent to be correct—and he received in answer two letters, one from Governor Mason, and the other from Mr. Goodwin, the District Attorney of Michigan, and the copies hereunto annexed, marked (I.) and (J.) are true copies of such letters and certified by this deponent to be such. And this deponent lastly says that he has been credibly informed, and he verily believes that the enrolment of American citizens with rebels, traitors, and fugitives, from this Province is now and has been for some time past carrying on in Michigan, for the express purpose of collecting a force to invade this Province, to commit murder, rapine and plunder, to sever this Colony from the Crown of Great Britain, to upset our laws and constitution, and to attempt to impose upon Her Majesty's true and loyal subjects here, a republican form of government; and he yesterday received information, on which he can positively rely, that they lately captured and carried away from a boat lying near the head of Lake Erie, on the American shore, upwards of one hundred barrels of flour belonging to Her Majesty, and on its way to Malden for the use of the Militia and other forces there.

THOMAS RADCLIFFE, Colonel,
Commanding Western District Frontier.
JOHN PRINCE, Lieutenant Colonel.

Sworn by the above deponents, John Prince and Thomas Radcliffe, at the City of Toronto, in Upper Canada, this 15th day of February, 1838, before me,

JOHN POWELL,
Mayor of the City of Toronto, U. C.

To the Citizens of Detroit.

Documents accompanying Report.

Copy of handbill circulated by E. M. Townsend, on behalf of the pirates.

On behalf of a body of men under my command, from Cleveland, Ohio, led here by General Sutherland to serve in what we considered, and do still consider, a *great and glorious cause—the cause of liberty and the oppressed*—I am induced to address you and appeal to your generosity. We embarked our little all in the glorious cause we came to serve—We have lost it—We have never shrunk from encountering any hardships, difficulties, or dangers that we have had leaders to carry us into. We are now disbanded and left destitute, strangers in a strange land, to either beg, starve, or steal our way to our respective homes. In order to prevent the two last alternatives, we appeal to you as men and as brethren:—It is as noble—it is as patriotic to prevent misery or crime at home as to serve the cause of those who suffer under an oppressive Government.

Respectfully,

(Signed) E. M. TOWNSEND,

Captain, Cleveland Volunteers.

N.B.—Donations will be received at the bar of the National Hotel, the Exchange, or the American, or by the Subscriber at the Jefferson House, Jefferson Avenue, where he will be happy to see his friends as soon as possible, and begs that they will understand we did not come without money and means.

(Signed) E. M. TOWNSEND.

I hereby certify the above to be a true copy of the printed handbill referred to in my affidavit.

(Signed) JOHN PRINCE.

A.

SANDWICH, U. C., 6th January, 1838.

To His Excellency, STEVENS T. MASON, Governor of the State of Michigan.

DEAR SIR,

Letter from J. Prince, Esq. to Gov. Mason, respecting the Schooner "Anne."

As the organ of the Magistrates here, and by their desire, I lose not a moment to inform you that, from clear and unquestionable authority, who were eye-witnesses to the fact last night, we learn that a schooner laden with arms, ammunition, provisions, and from 80 to 100 men, left Detroit this morning, on her way down the river, with the intention of either attacking this Frontier or taking possession of the islands belonging to our Sovereign, called Bois Blanc and Fighting Island, or one of them.

The schooner, I am informed, is called "*The Anne*." She is at this moment slowly proceeding down the river and close upon your side below Spring-well, and is towed by a boat with several men in it. She has also *two cannon* on board. I am also credibly informed that a large body of men are met at Fort Gratiot for the express purpose of joining the rebels and fugitives from this country—and that the steam-boat "*Macomb*" has proceeded from Detroit to afford them succour; and we are also correctly informed, that our enemies possessed themselves last night from the Gaol in Detroit of a large quantity of arms, and also of a waggon-load of gunpowder from the Powder-House in your City. We are further correctly informed that they are raising Volunteers, arms, and ammunition at Monroe, to support the Rebels and their adherents.

We rely on the sincerity of your declaration that you, as Chief Magistrate of the opposite State, will do all in your power to preserve the peace—to prevent your people from committing a breach of their laws, and to maintain the amity which at present subsists between Great Britain and the United States. We beg leave to repeat our former assertion that we are prepared for any attack; but we again earnestly call upon you to take such immediate and energetic steps as will prevent bloodshed, and secure the peace of your countrymen and ours from being broken and destroyed. We at the same time beg to assure you that no exertions on our part shall be wanting to attain that very desirable object; but unless prompt and immediate steps are taken, we will not conceal from you our firm conviction that hostilities will have commenced and blood be shed within the next few hours.

I have the honour to be,

Dear Sir,

Your very obedient Servant,

[Signed]

JOHN PRINCE.

I certify this to be a correct copy of the original letter.

[Signed]

JOHN PRINCE.

B.

DETROIT, January 6th, 1838.

DEAR SIR,

Letter from Gov. Mason, in reply.

Your favour of this morning has been received. I most sincerely regret that matters are assuming so serious an aspect on our borders. We have despatched a Marshall to seize the Schooner now proceeding down the River. The "*Macomb*" was stopped, her Captain arrested, her lading examined, but nothing could be found to justify detaining her in Port. A Deputy Marshall has been despatched to Monroe and one to Fort Gratiot with authority to call out the power of the respective Counties to arrest all persons found in arms. A meeting of our citizens

will be held at 3 o'clock this afternoon to enrol a Volunteer force to aid in enforcing the laws in this City. I need not again express my determination to do all in my power to prevent the violation of the amity now existing between our Governments. Documents accompanying Report.

Very respectfully,

I am, &c. &c.

[Signed.]

STEVENS T. MASON.

John PRINCE, Esquire,
Sandwich, U. C.

I certify the above to be a true Copy of the original letter.

[Signed]

JOHN PRINCE.

C.

To Governor MASON, &c. &c.

BOIS BLANC ISLAND, U. C.,
Malden, 8th January, 1838.
6 o'clock, A. M.

DEAR SIR,

On the return of the Steamboat "United" from her unsuccessful attempt last Saturday to bring back to Detroit the Schooner "Anne," pursuant to your Excellency's instructions, three companies of our Militia besides several Volunteers (of whom I form one) proceeded to Amherstburgh with a view of defending that Town, and in the hopes of meeting the rebels and their adherents and supporters at this place.

Letter from J. Prince, Esq. to Gov. Mason, on the same subject.

But I regret to say that we have for the present been disappointed.

I however deem it proper to inform your Excellency, as Governor of the State of Michigan, that the above mentioned Schooner was at anchor last evening opposite the lower end of Gross Isle, at a wharf near Gibraltar, and that she had on board several hundred stand of arms, being no doubt the same arms of which she possessed herself from the Gaol at Detroit. There are moreover many hundreds of our enemies there, and they have some heavy cannon which they fired about ten times last evening and twice during the night. All these are facts within our knowledge.

From the conversation which my friend, Mr. Charles Baby, had with your Excellency on Saturday last I was greatly in hopes that the Schooner and her cargo, as well as many of her crew, would ere this have been under your authority and dealt with according to law.

I now, with the concurrence of my brother Magistrates, beg to enquire whether Your Excellency will permit our forces on this side to attack the Schooner with a view of taking her and those who may attempt to defend her. If you consent to this our request we will at once proceed to the attack; and we solicit this favour at your hands because we are unwilling to commit any act which may be construed into aggression or a breach by us of that amicable understanding which subsists between our Government and yours, notwithstanding our conviction that the men, and Schooner, and arms, in question, are intended to act hostilely towards us. Mr. Mercer [one of our Magistrates] has undertaken to deliver this to your Excellency, and a reply by him will be thankfully received by

Your Excellency's

Most obedient humble Servant,

[Signed]

JOHN PRINCE.

I certify the above to be a true copy of the original letter.

JOHN PRINCE.

D.

To His Excellency STEVENS T. MASON, Governor of the State of Michigan.

AMHERSTBURGH, U. C., 9th January, 1838.
4 o'clock, A. M.

DEAR SIR,

I presume that you have received my letter of yesterday's date.

The enemy commenced his attack upon us about sunset last evening. His force, we are informed, consists of the Schooner or Sloop believed to be the "Anne," referred to in my former letter, also two scows and divers boats, a large Schooner, three field pieces, two twelve pounders, and one six pounder; besides a large quantity of arms and some hundreds of men. One Schooner (the Anne) sailed up in front of Amherstburgh, along the British Channel, between the Town and Bois Blanc, last evening. Our people fired upon her (knowing her to be an enemy) and she returned the salutation by two cannon shots. The Steam Boat "United," which was very innocently bringing down some passengers from Sandwich to Amherstburgh, was also complimented with two musket shots from (as it is supposed) one of two American Steamers proceeding up the river. The Schooner supposed to be the "Anne" then steered from Amherstburgh round the

Further communication from Mr Prince to Gov. Mason.

Documents accompany-
ing Report.

Northern end of Bois Blanc. The large Schooner is at anchor at the South end of Bois Blanc, and there are lights on Hickory Island which induce a belief by us that she has moored near her the scows and small boats above referred to.

We assume that the enemy will possess himself (if he has not already done so) of Bois Blanc forthwith. He is lying at anchor opposite to us. We have no hesitation in pronouncing him to be regardless of all laws, and a plunderer and pirate. My object is to secure him and to make him amenable to the laws of this country; and in the name of the Civil Authorities of Upper Canada, as well as in the name of common justice, I now call upon your Excellency, as the Governor of Michigan, to assist us, the subjects of your natural ally, in preventing this enemy from touching upon, or holding any intercourse with the shores of *Michigan*, whereby we hope to be enabled to capture her and to bring her to that bar of justice which will deal with her according to her merits.

I have the honour to be,
Your Excellency's most obed't humble Serv't,
[Signed] JOHN PRINCE.

I certify this to be a correct copy of the original letter.

[Signed] JOHN PRINCE.

E.

EXECUTIVE DEPARTMENT,
Detroit, January 9th, 1838.

[Official.]

GENTLEMEN,—

The controversy now pending in the Province of Upper Canada, and immediately on the Frontier of this State, is beginning to assume so serious a character, that I deem it my duty officially to communicate to you my position, relations, and duties in the premises.

Heretofore I have, as an individual rather than in my official capacity, expressed to you and others, my desire to preserve the friendly relations existing between the Government of the United States and that of Great Britain; but, in the ground now taken, I maintain the position of a Governor of a sovereign and independent State of the American Confederacy.—I will abide by it, and give you my assurance that I will not abandon that position.

You are perhaps well aware that the General Government of the United States is composed of separate and independent States, with certain delegated powers to the Federal Head. Amongst these delegated powers are all the relations of peace and war and intercourse with foreign nations. In furtherance of these powers which have been surrendered by the States, the General Government have enacted certain laws for the preservation of neutrality and the guarantee of the faith of treaties between itself and other Governments. The execution of these laws does not immediately belong to State Authorities, but is vested in a District Judge, District Attorney, and Marshal of the United States. When these officers call on me as the Executive of the State of Michigan, conveying the information that the process of the United States' Courts cannot be enforced without executive aid, my official duties begin, and not till then; but, on every occasion where the contingency stated arises, you will find the constituted Authorities of Michigan prompt and ready to discharge every duty incumbent upon them by the laws of their country.

In obedience to the requisition made on the Executive of this State, I have aided the Marshal of the United States for this District to enforce the process of his Court, and have dispersed the armed force stated by you to have been assembled within the jurisdiction of this State, in violation of the Acts of the Congress of the United States. It will therefore readily occur to you that all further communication on this unpleasant subject must be addressed to the District Attorney of the United States.

In reply to the immediate inquiries of your letter, I must state that whilst all persons proceeding from this State and found in arms within the jurisdiction of the Province of Upper Canada, have lost all claim to the protection of the laws of the United States, and of this State; and whilst all intercourse between the United States and Foreign powers belong to the Federal Government, I cannot permit, without resistance, any invasion upon the soil of the Sovereign and Independent State over which I preside as Chief Magistrate.

I am, respectfully,
Your obedient Servant,
[Signed] STEVENS T. MASON.

To The MAGISTRATES OF SANDWICH, Upper Canada.

I certify the above to be a true copy of the original letter.

(Signed) JOHN PRINCE.

F.

DETROIT, 9th of January, 1838.

DEAR SIR,

Your Letter of this date has been received and laid before the District Attorney of the United States.

Letter from Gov. Mason,
to the Civil Authorities
of Sandwich, respecting
the state of affairs on the
frontier, in reply to the
above communication.

Letter from Gov. Mason
to Mr Prince, enclosing
copy of the above letter.

For your further information, I enclose you the copy of a Letter which I have addressed to the Magistrates of Sandwich, in reply to your communication of the same date. Documents accompanying Report.

Very respectfully,

Your obedient Servant,

[Signed]

STEVENS T. MASON.

To JOHN PRINCE, Esquire,
Sandwich, U. C.

I certify the above to be a true copy of the original letter.

JOHN PRINCE.

G.

ADJUTANT GENERAL'S OFFICE,
Detroit, January 8th, 1838.

To the Civil Authority of Sandwich, U. C.

I have the honour to inform you, by direction of His Excellency, the Commander in Chief, that by twelve o'clock at noon this day, the Steam Boats "Erie" and "General Brady" will leave this City with a sufficient armed force to proceed to the mouth of this river to enforce the laws of the United States against any armed men who attempt a violation of the same. Letter from the Adjutant General of Michigan, to Civil Authority of Sandwich.

This communication is given with a view of informing you of the fact that His Excellency the Governor, who is with the detachment, will do all in his power to allay this unfortunate excitement and that you may understand this movement.

Very respectfully your obedient Servant,

J. E. SCHWARTZ,

Adjutant General,
Michigan.

I certify the above to be a true copy of the original letter.

JOHN PRINCE.

H.

THE PARK FARM, U. C.,
Thursday Morning, January 25th, 1838.

DEAR SIR,

Since sealing my packet [No. 1] I have received from Colonel Radcliffe, the Officer commanding this Western Frontier, two despatches, copies of which I enclose for Your Excellency's information and for the information of your District Attorney, to whom I take the liberty of requesting Your Excellency to submit them, as I really cannot find time to make copies for him. Letter from Mr Prince to Governor Mason, respecting 'General' Sutherland.

I learn from good authority that the man calling himself *General Sutherland* is gone into the interior of Michigan, [it is supposed in the direction of Pontiac] to raise Volunteers. I do hope and trust that your Authorities will arrest and secure him and his adherents if possible. It is painful to reflect upon the immense expense attending the constant guarding of this country. Upon whom that expense will eventually fall it is not for us perhaps to enquire at this moment: but I am sure Your Excellency will agree with me in opinion that it is the bounden duty of all good citizens and subjects to prevent the invasion of Upper Canada from being proceeded with if possible, both with a view to save the effusion of human blood and also the enormous cost of keeping thousands of men in arms. I beg to enclose a copy of some acts which our Legislature has felt it incumbent upon them to pass in these disastrous and most critical times.

If Your Excellency has leisure to send one line by the bearer merely to say that these papers have all reached you safely, I shall be thankful for it. I had much pleasure in receiving Mr. Norton yesterday, and I believe I shall have it in my power to render him the service he requires.

I remain, Your Excellency's faithfully,

(Signed)

JOHN PRINCE.

His Excellency, Governor MASON,
Detroit.

I certify the above to be a true copy of the original letter.

JOHN PRINCE.

I.

DETROIT, January 25th, 1838.

DEAR SIR,

Your communications of this morning were duly received.

Accompanying this communication you will receive a letter from the District Attorney.

I hope, in the name of all that is just, that we are not to have the party from Navy Island on

Letter from Gov. Mason, acknowledging the above.

Documents accompany-
ing Report.

this Frontier. Some time since I applied to the President for a military force at this point, and I expect every mail to bring the necessary orders to General Brady.

Respectfully yours,

(Signed) STEPHENS T. MASON.

JOHN PRINCE, Esquire.

I certify the above to be a true copy of the original letter.

JOHN PRINCE.

J.

DETROIT, January 25th, 1838.

SIR,

Governor Mason has just shown me certain letters transmitted him to-day, in regard to movements contemplated against the Province of Upper Canada. You are fully apprised of the views of the Authorities of the United States upon this subject, and their disposition to avert any such movement, and prevent any invasion of the Province from our Territory. I can only say in addition, that efforts will continue to be made for that object, and to bring to trial and punishment those who may be concerned in violating the laws relating to this subject.

Very respectfully,

I have the honour to be, yours, &c.

D. GOODWIN.

U. S. Attorney, for Michigan.

To JOHN PRINCE, Esquire.

I certify the above to be a true copy of the original letter.

JOHN PRINCE.

Report adopted.

Mr. Sherwood, seconded by Mr. Rykert, moves that the report of the Select Committee to whom was referred the resolutions of this House upon the subject of the invasion of this Province by foreigners be adopted.

Which was carried.

Address read twice.
3rd reading to-day.

The Address to Her Majesty, reported by the Committee, was read twice, and ordered to be engrossed and read a third time this day.

On motion of Mr. Rykert, seconded by Mr. Ferrie,

1000 copies of Address,
Report, and documents,
to be printed.

Ordered—That 1000 copies of the Address to Her Majesty, and the report and documents appended thereto, upon the subject of the invasion of this Province by Americans, be printed for the use of members.

Address read third time
and passed.

Pursuant to the order of the day, the Address to Her Majesty respecting the invasion of this Province by foreigners was read the third time and passed, and is as follows:

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

Address.

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, most humbly beg leave to transmit to Your Majesty certain resolutions passed by this House, having reference to the state of affairs between this Your Majesty's Province of Upper Canada and the United States of America, [a Nation held to be in peace and amity with Your Majesty's Government,] which have transpired since the commencement of the late most foul and unnatural Rebellion in this Province: and we do most humbly and earnestly beseech Your Majesty most graciously to be pleased to take such steps as shall, in Your Majesty's wisdom, be deemed necessary and effective for obtaining fit reparation to the British Empire for the insult and injuries committed on Your Majesty's loyal subjects of this Province, as well as to protect them from similar aggression and injury for the time to come.

ALLAN N. MACNAB,

Speaker.

Commons House of Assembly, }
15th February, 1838. }

House in Com. of Supply
on report on petition of
Dr. Dormer.

Pursuant to the order of the day, the House was put into a Committee of Supply on the report of Select Committee on petition of Dr. Dormer.

Mr. Thomson in the chair.

The House resumed.

Committee rises.

The Chairman reported that the Committee had risen.

On the question for receiving the Report, the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs *Aikman, Bockus, Burwell, Cameron, Cook, Deltor, Gamble, Marks, McDonell* of Northumberland, *McDonell* of Stormont, *McIntosh, McKay, Merritt, Morris, Robinson, Rykert, Shade, Shaver, Sherwood, Solicitor-General, Thomson, Thorburn, Woodruff*—23. Yeas—23.

N A Y S.

Messieurs *Chisholm* of Halton, *Chisholm* of Glengarry, *Duncombe, Malloch, Manahan, Murney, Parke*—7. Nays—7.

The question was carried in the affirmative by a majority of sixteen, and the report was received. Carried, majority 16.

Mr. Boulton, seconded by Mr. Sherwood, moves that the report of the conferrees of this House, appointed to meet the conferrees of the Honourable the Legislative Council, on the subject of the bill granting pensions to certain persons who have been killed during the late rebellion be referred to a Committee of the whole House forthwith. House in Committee on Report of Committee of Conference on bill granting pensions to widows of militiamen.

Which was carried and the House was put into a Committee of the whole on the same accordingly.

Mr. Ruttan in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to a Resolution which he was directed to submit for the adoption of the House. Resolution reported.

The Report was received.

The Resolution was put, as follows:—

Resolved, That the reasons given by the conferrees of the Honourable the Legislative Council on the subject of the bill granting pensions to certain persons who were killed during the late rebellion, be considered to be satisfactory. Resolution.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Messieurs *Boulton, Burwell, Cartwright, Cook, Deltor, Duncombe, Gamble, Malloch, McIntosh, McKay, Merritt, Robinson, Rykert, Shaver, Thorburn, Woodruff*—16. Yeas—16.

N A Y S.

Messieurs *Aikman, Bockus, Cameron, Chisholm* of Halton, *Chisholm* of Glengarry, *Ferrie, Manahan, McDonell* of Stormont, *McLean, Parke, Ruttan, Thomson*—12. Nays—12.

The question was carried in the affirmative by a majority of four, and the resolution was adopted. Carried, majority 4.

Pursuant to notice, Mr. Thomson, seconded by Mr. Chisholm of Halton, moves that so much of the Journals of the first Session of the present Parliament as refer to the Report of the Select Committee on the Clergy Reserves be now read. Motion to read Journals on Report of Select Com. on Clergy Reserves.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs *Aikman, Armstrong, Bockus, Cameron, Chisholm* of Halton, *Chisholm* of Glengarry, *Duncombe, Ferrie, Malloch, Manahan, Marks, McIntosh, McKay, McLean, Parke, Shaver, Thomson, Thorburn*—18. Yeas—18.

N A Y S.

Messieurs *Boulton, Burwell, Cartwright, Cook, Deltor, Elliott, Gamble, McDonell* of Northumberland, *McDonell* of Stormont, *Merritt, Robinson, Ruttan, Rykert, Shade, Woodruff*—15. Nays—15.

The question was carried in the affirmative by a majority of three, and the Journals were read accordingly. Carried, majority 3.

(PRINTED JOURNALS—Page 257.)

Subject referred to Com. of whole on Monday, (1st item.)

On motion of Mr. Thomson, seconded by Mr. Chisholm of *Halton*,
Ordered—That that part of the Journals of the first Session of the present Parliament which relates to the report of the Select Committee on the Clergy Reserves, be referred to a committee of the whole House on Monday next, and that it be the first item on the order of the day.

Sarnia and Warwick road bill again committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the bill granting a sum of money to improve the road leading from Sarnia to Warwick.

Mr. Parke in the chair.

The House resumed.

Reported without amendment.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Hamilton and Grimsby road bill, read 2nd time and committed.

Pursuant to the order of the day, the Hamilton and Grimsby road bill was read the second time.

The House was put into a committee of the whole on the Bill.

Mr. Robinson in the Chair.

The House resumed.

Reported without amendment.

The Chairman reported that the Committee had agreed to the Bill, without amendment, and submitted it for the adoption of the House.

The Report was received.

On 3d reading to-morrow,

On the question for the third reading of the Bill to-morrow, the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—18.

Messieurs *Aikman, Burwell, Cameron, Chisholm of Halton, Dunlop, Ferrie, Gamble, Manahan, McDonell of Northumberland, McIntosh, Merritt, Parke, Robinson, Rykert, Shade, Thomson, Thorburn, Woodruff*—18.

N A Y S.

Nays—7.

Messieurs *Chisholm of Glengarry, Cook, Malloch, McLean, Morris, Ruttan, Shaver*—7.

Carried, majority 11.

The question was carried in the affirmative by a majority of eleven, and the bill was ordered to be engrossed and read a third time to-morrow.

House in Committee on report of Select Com. of last winter Session on petition of Chairman Qr. Sessions, London District.

Pursuant to the order of the day, the House was put into a Committee of the whole on the report of Select Committee on that part of the Journals of last winter Session which relates to the petition of the Chairman Quarter Sessions, District of London.

Mr. Prince in the chair.

The House resumed.

Resolution reported.

The Chairman reported that the Committee had agreed to a resolution, which he was directed to submit for the adoption of the House.

The report was received.

The Resolution was adopted, as follows:—

Resolution.

Resolved—That there be granted to Her Majesty the sum of £4000, to be raised and levied by assessment on the inhabitant householders of the District of London, to be applied in the erection of a new Gaol in that District.

On motion of Mr. Burwell, seconded by Mr. Murney,

Select Committee to draft bill thereon.

Odered—That Messrs. Dunlop and Parke be a Committee to draft and report a bill in pursuance of the Resolution of this House relative to the erection of a new Gaol at the Town of London in the District of London.

Pursuant to the order of the day, the bill to macadamize the Canboro' Road was read the second time. Canboro' Road Bill read 2nd time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Sherwood in the chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House. Reported amended.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Pursuant to the order of the day, the bill to provide for the relief of disabled and infirm persons was read the second time. Bill to relieve disabled and infirm, read second time, and committed.

The House was put into a Committee of the whole on the Bill.

Mr. McDonell *of Stormont* in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

On motion of Mr. Morris, seconded by Mr. Shade,

Ordered—That the report of the Printing Committee, of this day, be adopted. Second Report of Printing Committee adopted.

Adjourned.

Friday, 16th February, 1838.

The House met.

The minutes of yesterday were read.

Mr. McDonell *of Northumberland* brought up the petition of Robert Chambers, and two hundred and nineteen others of the town of Peterboro', District of Newcastle; which was laid on the table. Petition of Robert Chambers, and 219 others, brought up.

Pursuant to the order of the day, the bill to levy a tax on certain Wild Lands in the District of Gore was read the third time. Bill to tax lands in District of Gore, read 3rd time.

On the question for passing the Bill, the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs *Aikman, Armstrong, Bockus, Boulton, Burwell, Cameron, Cartwright, Chisholm of Halton, Dellor, Duncombe, Dunlop, Ferrie, Manahan, McDonell of Northumberland, McDonell of Stormont, McKay, Prince, Shade, Woodruff*—19. Yeas—19.

N A Y S.

Messieurs *Chisholm of Glengarry, Cook, Malloch, Shaver*—4. Nays—4.

The question was carried in the affirmative by a majority of fifteen, and the Bill was passed. Carried, majority 15.

Mr. Shade, seconded by Mr. Chisholm *of Halton*, moves that the bill be entitled—

“*An Act to authorise the levying of a Tax upon certain Lands in the District of Gore for the Improvement of certain Roads therein.*” Title.

Which was carried; and Messrs. Shade and Chisholm *of Halton* were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Sarnia and Warwick road bill read 3rd time.

Pursuant to the order of the day, the Bill to improve the Sarnia and Warwick Road was read the third time.

On passing,

On the question for passing the bill, the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—33.

Messieurs *Aikman, Armstrong, Bockus, Burwell, Cameron, Cartwright, Chisholm* of Halton, *Detlor, Duncombe, Dunlop, Ferrie, Gamble, Malloch, Manahan, McDonell* of Northumberland, *McDonell* of Stormont, *McIntosh, McKay, Parke, Prince, Robinson, Rykert, Shade, Sherwood, Thomson, Thorburn*—26.

N A Y S.

Nays—7.

Messieurs *Boulton, Chisholm* of Glengarry, *Cook, Morris, Shaver, Solicitor-General, Woodruff*—7.

Carried, majority 19.

The question was carried in the affirmative by a majority of nineteen, and the Bill was passed.

Title.

Mr. Cameron, seconded by Mr. Bockus, moves, that the Bill be entitled, "*An Act to authorise the construction of a Turnpike Road in the County of Kent.*"

Which was carried, and Messrs. Cameron and Bockus were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Hamilton and Grimsby road bill read third time and passed.

Pursuant to the order of the day, the Hamilton and Grimsby Macadamized Road Bill was read the third time and passed.

Title.

Mr. Aikman, seconded by Mr. Rykert, moves that the bill be entitled, "*An Act to raise a sum of money to macadamize the main Road leading from the macadamized Road at Hamilton, in the Gore District, to the West Boundary line of the Township of Grimsby in the Niagara District, and for other purposes therein mentioned.*"

Which was carried, and Messrs. Aikman and Rykert were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Canboro' road bill read 3rd time.

Pursuant to the order of the day, the bill to improve the Canboro' road was read the third time.

Amendment.

On the question for passing the Bill,

In amendment, Mr. Merritt, seconded by Mr. McKay, moves that the bill do not now pass, but that the name of David Thomson be inserted in the 14th clause.

Which was carried.

Motion for Speaker to leave the chair for an hour and a half each day.

Mr. Sherwood, seconded by Mr. Rykert, moves that during the remainder of the Session the Speaker do leave the Chair every day on which the House is in Session, at the hour of one o'clock, P. M., for one hour and a half.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—21.

Messieurs *Aikman, Armstrong, Bockus, Cameron, Cartwright, Chisholm* of Halton, *Cook, Deilor, Dunlop, Ferrie, McIntosh, McKay, Merritt, Murney, Morris, Prince, Rykert, Shade, Shaver, Sherwood, Thomson*—21.

N A Y S.

Nays—14.

Messieurs *Chisholm* of Glengarry, *Gamble, Malloch, Manahan, Marks, McCrae, McDonell* of Northumberland, *McDonell* of Stormont, *McLean, Parke, Ruttan, Solicitor-General, Thorburn, Woodruff*—14.

Carried, majority 7.

The question was carried in the affirmative by a majority of seven, and ordered accordingly.

Pursuant to the order of the day, the bill to improve the Canboro' Road, as amended, was read the third time and passed.

Canboro' road bill read 3rd time and passed.

Mr. Merritt, seconded by Mr. Rykert, moves that the bill be entitled, "An Act to raise a sum of money to prepare the Road for macadamizing, between Canborough and Simcoe in the Niagara and Talbot Districts, and for other purposes therein mentioned."

Title.

Which was carried; and Messrs. Merritt and Rykert were ordered by the Speaker to carry the bill up to the Honble. the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the bill for the relief of the disabled and infirm was read the third time.

Bill to relieve disabled and infirm read third time.

On the question for passing the bill,

In amendment, Mr. Rykert, seconded by Mr. Merritt, moves that the bill do not now pass, but that it be amended by expunging "wardens" in the 7th clause, and inserting "freeholders."

Amendment.

Which was carried.

On the question for passing the bill, the Yeas and Nays were taken as follows:—

On passing bill,

Y E A S.

Messieurs Aikman, Armstrong, Cameron, Chisholm of Halton, Chisholm of Glengarry, Deilor, Marks, McCrae, McIntosh, McKay, Merritt, Morris, Parke, Prince, Rykert, Shade, Thomson, Thorburn, Woodruff—19.

Yeas—19.

N A Y S.

Messieurs Bockus, Burwell, Cartwright, Cook, Ferrie, Gamble, Malloch, McDonell of Stormont, McLean, Robinson, Ruttan, Shaver, Solicitor-General—13.

Nays—13.

The question was carried in the affirmative by a majority of six, and the bill was passed.

Carried, majority 6.

Mr. Merritt, seconded by Mr. Rykert, moves that the bill be entitled, "An Act to relieve disabled and infirm persons in the several Townships within this Province."

Title.

Which was carried, and Messrs. Merritt and Rykert were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

On motion of Mr. Prince, seconded by Mr. Sherwood,

Ordered—That so much of the resolution of this House for printing 1000 copies of the Address to Her Majesty, the report and documents appended thereto, upon the subject of the invasion of this Province by Americans, be rescinded so far as relates to that part of the report which contains the affidavit of Thomas Radcliffe and John Prince, Esquires,—and that an additional 4000 copies of the said Address, Resolutions, and Report (except the said affidavit) be printed.

4000 copies of Report and Resolutions on invasion, to be printed, instead of 1000, as ordered before.

Pursuant to the order of the day, the following petitions were read:—

Petitions read:

Of James Robinson of the City of Toronto, praying for remuneration for wounds received during the late rebellion.

James Robinson.

Of James Durnan, Light House Keeper, Gibraltar Point, praying to be remunerated for wood purchased by him for the use of the Light-House.

James Durnan.

Of Thomas Collins of the City of Toronto, praying remuneration for damage sustained by the Schooner "Jane" in a gale of wind, while in Her Majesty's service.

T. Collins.

Of Thomas Collins and Michael McNeeson, of the same place, praying the same.

Thomas Collins and M. McNeeson.

Of the Trustees and Shareholders of the Ancaster Literary Institution, praying for pecuniary aid for the same.

Trustees, &c., Ancaster Literary Institution.

Of John McKenzie and one hundred others of the township of Ancaster, (Halton,) praying that the Imperial Parliament may be requested to compel the payment by the American Government of the expenses incurred in defending our frontier during the late disturbance.

J. McKenzie, and 100 others.

- A. Boxter and 19 others. Of Alanson Boxter and nineteen others, of the township of Elizabeth-town and Yonge, (Leeds,) praying aid to repair certain bridges.
- Mr. Aikman, seconded by Mr. Ferrie, moves that the petition of James Racey and others, be now read, and that the 41st rule of this House be dispensed with as far as relates to the same.
- J. Racey and 247 others. Which was carried, and the petition of James Racey, and two hundred and forty-seven others, of the town and township of Brantford, town of Paris, and township of Dumfries, District of Gore, praying for the erection of a new County therein, to be called the County of Brant,—was read.
- Petitions referred :
Of A. Morse, & others. On motion of Mr. Woodruff, seconded by Mr. McDonell, *of Stormont*,
Ordered—That the petition of Abisha Morse, and others, be referred to a Select Committee, to be composed of Messrs. Bockus, Cook, and Shaver, with power to send for persons and papers, and to report by Bill or otherwise.
- Of Wm Anderton, and others. On motion of Mr. Prince, seconded by Mr. Shade,
Ordered—That the petition of William Anderton, and others, for a grant of £100, for a Road between Sandwich and Chatham, be referred to a Select Committee, consisting of Messrs. Burwell and McCrae, with power to report thereon.
- Of A. Boxter and others. On motion of Mr. Morris, seconded by Mr. McLean,
Ordered—That the petition of Alanson Boxter, and others, be referred to a Select Committee, composed of Messrs. Cartwright and Sherwood, with power to send for persons and papers, and to report thereon by Bill or otherwise.
- Of Parmenter and Potter. On motion of Mr. Morris, seconded by Mr. Bockus,
Ordered—That the petition of James W. Parmenter, and William E. Potter, be referred to a Select Committee, composed of Messrs. Cartwright and Bockus, with power to report by Bill or otherwise.
- Of Jas Racey and others. On motion of Mr. Aikman, seconded by Mr. Ferrie,
Ordered—That the petition of James Racey and others be referred to a Select Committee consisting of Messrs. Burwell, Merritt, Thomson, Detlor, and Woodruff, with power to send for persons and papers, and report thereon by bill or otherwise.
- Of Trustees, &c. Ancaster Literary Institution. On motion of Mr. Aikman, seconded by Mr. Ferrie,
Ordered—That the petition of the Trustees and Shareholders of the Ancaster Literary Institution be referred to a Select Committee consisting of Messrs. Burwell and Merritt, to examine and report thereon.
- Of G. Chalmers and 149 others. On motion of Mr. Chisholm *of Halton*, seconded by Mr. Shade,
Ordered—That the Petition of George Chalmers and one hundred and forty-nine others, praying for the Macadamization of the Road leading from Oakville through the Township of Trafalgar on the line of road surveyed from Oakville to Owen's Sound on Lake Huron, be referred to the Committee on Supply on to-morrow.
- Of John Linfoot. On motion of Mr. Gamble, seconded by Mr. Shade,
Ordered—That the Petition of John Linfoot be referred to a Select Committee, to consist of Messrs. Boulton and Cartwright, with power to send for persons and papers, and to report thereon.
- Notice of Com. of Supply to purchase books on military evolutions, &c. Mr. Prince gives notice that he will, on to-morrow, move this House into a Committee of the whole on Supply, for the purpose of granting a sum of money to Her Majesty to enable Her Majesty to purchase, for the use of the Militia and Volunteers of this Province, 500 copies of a work on Field Evolutions and Exercises of the Army, as revised in 1833, and also 500 copies of a work, "the Non-Commissioned Officer's Manual," containing movements of the Company or Platoon.

Mr. Thomson, from the Select Committee to which was referred the Message of His Excellency the Lieutenant-Governor, with the Report of the Commissioners for purchasing a Steam-Dredge, presented a Report, which was received and read as follows:—

Select Com. on His Excellency's Message, with report of Commissioners on Steam Dredge, present report.

To the Honourable the Commons House of Assembly.

The Select Committee, to which was referred the Message of His Excellency the Lieutenant Governor, transmitting the Report of the Commissioners for purchasing a Steam Dredge, together with the Accounts and Documents accompanying the same, beg leave to Report:—

Report.

That they have examined the said Report, Accounts, and Documents, and are satisfied that the Commissioners have done everything in their power in the execution of the object of their Commission. The reason assigned for the non-delivery of the Dredge and Scows before the 20th of July, by the Contractors, are satisfactorily shewn by John Jackson, Esquire, Engineer of the Grand River Navigation Company, in his letter to David Thorburn, and Manuel Overfield, Esquires, two of the Commissioners, bearing date 25th August, 1837.

The arrangement of the Acting Commissioner with the Building Contractors and the Desjardin's Canal Company, at the time of the delivery of the Dredge and appurtenances, was, in the opinion of Your Committee, in every respect proper and judicious. The materials taken from the Contractors, Messrs. Lyon & Howard, and brought into account by the Commissioners, and the sum still remaining due to them, as per the due bill of the Acting Commissioner, amount to £125, to be paid, (without interest) when funds are produced by the operation of the Dredge,—also the sum of £74 11 5½ as per the accounts shewn to be owing, has been audited and arranged with care. It would appear, by a letter from the Secretary of the Desjardin's Canal Company, that that Company are not disposed to recognize the whole amount charged by the Acting Commissioner in the Account current against them; and if the amount which that Company acknowledge to owe is all that in justice they ought to pay, the difference, amounting to £14 15 7½, added to the amount set forth in the said Account, will make the sum of £214 6 1, now owing on account of the Dredge.

Your Committee forbear to remark further on this matter, having full confidence that the Acting Commissioner will, on his part, do what will be proper and just with the Desjardin's Canal Company in settling the same, and not doubting that the Company will, on their part, do likewise.

Your Committee find, in Mr. Hall's Report to the Commissioners, dated 26th October, 1837, much valuable information relative to an efficient management of the Dredge, but would recommend that the Commissioners should not exact so large a sum per day as is estimated by Mr. Hall, conceiving that a sum adequate to keep the Machine and its Scows in proper working order, and to pay the necessary incidental expenses accruing from time to time, in superintending and directing its operations, ought to be considered sufficient, as the benefit to be derived from the opening of the Creeks, Harbours, and Canals, by Dredging, is manifestly more a general than a local advantage; with this view they cannot recommend that the project of a sinking fund for the renewal of the Dredge in ten years should be acted upon; however, the discretion of the Commissioners must, in all cases, be used, as no particular data can be laid down as a fixed rule by which to charge for the services of the Machine,—the work in some places being more severe for it than in others: there ought, however, always to be a sufficient Fund at the command of the Commissioners, to meet unexpected breakages or necessary improvements, so that the Machine may at all times be in good working order, as any interruption of its service would be attended with a heavy expense, by losing the labour of the men necessarily employed in conducting its operations.

All which is respectfully submitted.

E. W. THOMSON,
Chairman.

Committee Room, House of Assembly, }
16th February, 1838. }

Mr. Merritt, from the Select Committee to which was referred the Petition of Elijah Nellis, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Select Com. on petition of E. Nellis report Nellis's Naturalization bill.

The Report was received, and the Bill to Naturalize Elijah Nellis was read the first time.

Bill read first time

On the question for the second reading of the Bill to-morrow,

In amendment, Mr. Merritt, seconded by Mr. Shade, moves that this Bill be read a second time this day, and that the 40th rule of this House be dispensed with as far as relates to the same.

Which was carried, and the Bill was read the second time.

Bill read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Ferrie in the chair.

The House resumed.

Reported without amendment.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

At one o'clock, P. M., the House adjourned for an hour and a half.

The House met, pursuant to adjournment.

Committee to draft Bill or resolutions granting money to erect new Gaol in London District, report draft.

Bill read first time.

Mr. Burwell, from the Committee to draft and report a bill pursuant to the resolution granting a sum of money to erect a new Gaol in the District of London, reported a draft, which was received and read the first time.

On the question for the second reading of the Bill to-morrow,

In amendment, Mr. Burwell, seconded by Mr. McDonell of *Northumberland*, moves that the London Gaol Bill be read a second time this day, and that the 40th rule of this House be dispensed with in so far as relates to the same.

Read 2nd time and committed.

Which was carried, and the Bill was read the second time.

The House was put into a Committee of the whole on the bill.

Mr. Shaver in the chair.

The House resumed.

Reported without amendment.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Select Com. on petition Wm Hust present report.

Mr. Thomson, from the Select Committee to which was referred the Petition of William Hust, presented a Report, which was received and read as follows:—

To the Honourable the Commons House of Assembly.

Report.

Your Committee, to whom was referred the petition of William Hust, beg leave to Report:—

That from the peculiar circumstances under which he received his wound (being engaged in the capture of a band of Traitors,) and the Soldier-like conduct displayed by him, induces Your Committee to recommend that a gratuity of Pounds be paid to him as a token of approbation of his gallant conduct, and remuneration for loss of time.

All of which is most respectfully submitted.

E. W. THOMSON,
Chairman.

*Committee Room, House of Assembly, }
16th of February, 1838.*

Select Committee on His Excellency's Message on Murray Canal, report Address.

Address read twice, and committed.

Mr. Ruttan, from the Select Committee to which was referred that part of the Message of His Excellency the Lieutenant Governor which relates to the Murray Canal, reported the draft of an Address to His Excellency the Lieutenant Governor, which was received and read twice, and referred to a Committee of the whole.

Mr. Thorburn in the chair.

The House resumed.

The Chairman reported that the Committee had adopted the Address.

The Report was received.

3rd reading to-day.

Ordered—That the Address be engrossed and read a third time this day.

On motion of Mr. Thomson, seconded by Mr. Rykert,

Ordered—That the Report of the Select Committee, on the petition of William Hust, be referred to a Committee of the whole on Supply, on to-morrow. Report of Select Com. on petition of William Hust referred to Com. of Supply to-morrow.

Mr. Thomson, seconded by Mr. Parke, moves that the Report of the Select Committee upon the Steam Dredging Machine be referred to a Committee of the whole House forthwith.

Which was carried; and the House was put into a Committee of the whole on the same accordingly. House in Committee on report of Select Com. on Steam Dredge.

Mr. Armstrong in the chair.

The House resumed.

The Chairman reported that the Committee had adopted the Report.

Report adopted.

The Report was received.

Pursuant to notice, Mr. Burwell, seconded by Mr. Chisholm of *Halton*, moves that this House do now resolve itself into a Committee of the whole on Supply, for the purpose of granting to Her Majesty a sum of money to provide a Pension for Sheppard McCormick, Esq., a retired Lieutenant of the Royal Navy, during his natural life, for the severe wounds received by that gentleman in the gallant capture and destruction of the piratical steamer "Caroline" when in the employment of a banditti of pirates, rebels, and incendiaries, in the act of invading this Province to murder and plunder its inhabitants.

Which was carried, and the House was put into a Committee of Supply accordingly. House in Com. of Supply on granting pension to Shep'd McCormick, Esq.

Mr. Bockus in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to a Resolution which he was directed to submit for the adoption of the House. Resolution reported.

The Report was received.

The Resolution was adopted, as follows:—

Resolved—That there be granted to Her Majesty the sum of One Hundred Pounds annually, to enable Her Majesty to provide a Pension for Sheppard McCormick, Esq., a retired Lieutenant of the Royal Navy, during his natural life, for the severe wounds received by that gentleman in the gallant capture and destruction of the piratical steamer "Caroline," when in the employment of a banditti of pirates, rebels, and incendiaries, in the act of invading this Province to murder and plunder its inhabitants. Resolution.

On motion of Mr. Burwell, seconded by Mr. McDonell of *Northumberland*,

Ordered—That the Resolution, passed in a Committee of Supply, granting a pension to Lieutenant McCormick of the Royal Navy, be referred to a Committee consisting of Messrs. Solicitor-General and Chisholm of *Halton*, to report by bill. Committee to draft Bill on the resolution.

Pursuant to the order of the day, the House was put into a Committee of Supply on the Petition of the Widow Priscilla Lee. House in Com. of Supply on petition of Priscilla Lee.

Mr. Marks in the chair.

The Speaker resumed the Chair to receive a Message from His Excellency the Lieutenant-Governor.

The Speaker left the Chair.

The Chairman resumed the Chair of Committee.

The House resumed.

The Chairman reported that the Committee had agreed to a Resolution, which he was directed to submit for the adoption of the House. Resolution reported.

The Report was received.

The Resolution was put, as follows:—

Resolution.

Resolved—That there be granted to Her Majesty the sum of twenty pounds per annum, to enable Her Majesty to grant a Pension to Priscilla Lee, widow of the late Francis Lee, who died in consequence of wounds received whilst in His late Majesty's service during the late war.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—14.

Messieurs *Armstrong, Burwell, Dunlop, McDonell* of Northumberland, *McDonell* of Stormont, *McKay, McLean, Merritt, Parke, Robinson, Ruttan, Rykert, Shade, Thomson*—14.

N A Y S.

Nays—14.

Messieurs *Bockus, Cartwright, Chisholm* of Halton, *Chisholm* of Glengarry, *Cook, Dettlor, Ferrie, Gamble, Malloch, Manahan, Marks, Morris, Shaver, Thorburn*—14.

Carried by casting vote of Speaker.

The question was carried in the affirmative by the casting vote of the Speaker, and the Resolution was adopted.

On motion of Mr. Ruttan, seconded by Mr. McKay,

Committee to draft bill on resolution.

Ordered—That Messrs. Robinson and Manahan be a Committee to draft and report a Bill in pursuance of the Resolution of this House upon the petition of Priscilla Lee.

Messages from the Lieutenant Governor.

Mr. Speaker reported that Mr. Secretary Joseph had brought down from His Excellency the Lieutenant Governor several Messages and Documents.

The Messages were read by the Speaker as follows:—

F. B. HEAD.

Message with Despatch on Rectories.

The Lieutenant Governor transmits, for the further information of the House of Assembly, No. 244. } with reference to his Message to the House of the 5th instant, relative to Rectories,
15th Nov. 1837. } the Copy of a Despatch which he has recently received from Her Majesty's Secretary of State for the Colonies on that subject.

Government House, }
16th February, 1838. }

F. B. HEAD.

Message with further correspondence on aid to Upper Canada Academy.

The Lieutenant Governor transmits to the House of Assembly, in compliance with the Address of the House of the 5th instant, Copies of such further Correspondence on the subject of aid to the Upper Canada Academy, as have not already been communicated to the House.

Government House, }
16th February, 1838. }

F. B. HEAD.

Message with return of applications for land by Religious bodies.

The Lieutenant Governor transmits to the House of Assembly, in compliance with the Address of the House, dated the 26th of January, the accompanying Return of applications made by the several Religious Denominations for Grants of Land, together with the several Answers to such applications,—and also all grants made without application.

Government House, }
16th February, 1838. }

F. B. HEAD.

Message with documents on Agreement with Canada Company.

The Lieutenant Governor transmits to the House of Assembly, in compliance with the 25th January, } two Addresses of the House, during the present Session, the accompanying Re-
27th January. } turns and Papers relative to the Agreement between the Imperial Government and the Canada Company.

Government House, }
16th February, 1838. }

F. B. HEAD.

Message with Report of Welland Canal Directors.

The Lieutenant Governor transmits, for the information of the House of Assembly, the Report and accompanying Papers, which he has received from the Directors of the Welland Canal Company for the year 1837.

Government House, }
16th February, 1838. }

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly the Report of the Commissioners for the improvement of the inland waters of the Newcastle District, and accompanying vouchers, for the past year.

Message with Report of Commissioners for improving Newcastle District waters.

Government House, }
16th February, 1838. }

F. B. HEAD.

The Lieutenant Governor transmits, for the information of the House of Assembly, the Reports and Documents received from the respective Trustees of the under-mentioned macadamized roads for the past year: viz.,

Message with Reports of Trustees of macadamized roads.

East York,
Kingston and Napanee,
Dundas and Waterloo.

Government House, }
16th February, 1838. }

F. B. HEAD.

The Lieutenant Governor transmits, for the information of the House of Assembly, the accompanying Report and Documents from the Commissioners of the Kingston Hospital, and recommends to the favourable consideration of the House that useful Institution.

Message with Report of Commissioners, Kingston Hospital.

Government House, }
16th February, 1838. }

F. B. HEAD.

The Lieutenant Governor transmits herewith, for the information of the House of Assembly, the Report which he has received from the Commissioners of the Trent Bridge for the past year.

Message with Report of Commissioners, Trent Bridge.

Government House, }
16th February, 1838. }

F. B. HEAD.

The Lieutenant Governor transmits, for the information of the House of Assembly, the accompanying Report and Documents which he has received from the Commissioners for superintending the erection of a Light House on Gull Island, on Lake Ontario.

Message with Report of Commissioners, Gull Island Light-House.

Government House, }
16th February, 1838. }

F. B. HEAD.

The Lieutenant Governor transmits, for the information of the House of Assembly, the accompanying Report which he has received from the Commissioners for the erection of a Light House at Port Colborne.

Message with Report of Commissioners, Port Colborne Light-House.

Government House, }
16th February, 1838. }

F. B. HEAD.

The Lieutenant Governor transmits, for the information of the House of Assembly, such annual Accounts of District Treasurers as have been received for the year 1837.

Message with District Treasurers' Accounts.

Government House, }
16th February, 1838. }

The Documents are as follows:—

No. 244. [Copy.]

DOWNING STREET,
15th November, 1837.

SIR,

I have received your Despatch, No. 102, of the 16th of September, informing me of the steps which you had taken on the receipt of my Despatch, No. 199, of the 6th of July last, and transmitting copies of several Documents which appeared to you to bear on the case referred to. I abstain from expressing any further opinion on this subject until I shall have received the Report, to which you advert, from the Archdeacon of York.

Despatch on Rectories.

I have the honour to be,

Sir,
Your most obedient humble Servant,
(Signed) GLENELG.

L. Governor
Sir FRANCIS B. HEAD, Bart.,
&c. &c. &c.

Further Documents
respecting the aid to the
Upper Canada Academy.

[Copy.]

DOWNING STREET,
29th February, 1836.

SIR,

I am directed by Lord Glenelg to acknowledge the receipt of your letters to His Lordship of the 12th and 23rd instant; I have also laid before him your letter to myself of the 12th instant. In reply I beg to make to you the following communication.

His Lordship desires to express his sense of the exertions which have been made by the Conference of the Methodist Church in Canada, for the diffusion of Education among all classes of the Inhabitants; on this subject he adopts without reservation the sentiments which you have quoted from Lord Ripon's Despatch of the 8th November, 1832, and he directs me to assure you that the interest which His Majesty at that time expressed in the diffusion of moral and religious Instruction throughout his dominions has undergone no change. It would, therefore, be Lord Glenelg's imperative duty, no less than his anxious wish, to follow out the benevolent intentions of His Majesty, by affording every assistance in his power to those who have devoted themselves to the promotion of so important an object; and he would accordingly be most anxious to discover a means of relieving the Trustees of the Seminary of learning, from the pecuniary embarrassments detailed in your letter of 23rd instant, a statement which His Lordship has perused with deep interest. But I am at the same time to remind you, that considerable changes have taken place in the Canadas since the date of Lord Ripon's Despatch. The present political aspect of those Provinces, involving as it does the question of the control over the appropriation of the Casual and Territorial Revenue, must for the present preclude His Majesty's Government from placing any new charge on those funds; and I need scarcely observe, that however highly His Majesty's Government might approve of an Institution, within either of those Provinces, for the instruction of youth, and however much they might appreciate the exertions of individuals towards its support, they would not yet feel justified in applying to the Imperial Parliament to assume the office of the local Legislature, by the Grant of pecuniary assistance from the revenues of the Mother Country; nor, should they consent to do so, could they hope that an application in favour of an object so purely Colonial would be successful.

Lord Glenelg has attentively weighed the arguments which you have urged against a reference of this question to the Provincial Legislature. His Lordship would be unwilling to offer a recommendation which you appear to consider as nugatory; but after the foregoing statement he trusts you will perceive that there is no other quarter from which it would be possible for you to derive assistance. Nor can he permit himself to anticipate that the Legislative bodies of Upper Canada would allow a question of such general and permanent interest to be perilled by the contests of party, or by the ephemeral passions of the moment. He cannot, except on unquestionable proof, abandon his conviction that the Representatives of the people and the Legislative Council will be ready to co-operate in any measure well calculated to promote the morality and to elevate the character of their less wealthy fellow-subjects.

Among the advantages which you solicit for the Institution in question is an endowment in land, and you refer to the precedent of King's College in support of your application. I am desired, however, to remind you that since the date at which that endowment was conferred on King's College, an entire change has taken place in the system under which land in His Majesty's Colonial possessions is disposed. The practice of making free grants has been altogether discontinued, and the benefits which have resulted from the alteration at once justify its adoption, and forbid any departure from it in future.

I am further to remark that the experience of other Colonies does not hold out any fair prospect of obtaining an income from such an endowment, but rather leads to an inference that land cannot be advantageously employed by a numerous body not under the stimulus of immediate personal interest, or at liberty to devote their whole time and attention to its management.

Under these circumstances Lord Glenelg feels himself precluded from granting an endowment in land to the Institution in whose behalf you have applied.

(Signed)

I have, &c.,

GEO. GREY.

The printed volumes contained in your letter to me of the 12th inst. are herewith returned, according to your request.

Rev. E. RYERSON.

No. 32.

[Copy.]

SIR,

DOWNING STREET,
2nd March, 1836.

Despatch from Lord Glenelg to Sir F. B. Head, respecting aid to the Upper Canada Academy.

I have to acknowledge the receipt of Sir John Colborne's Despatch of the 18th September, No. 57, transmitting an Address to His Majesty from the Ministers of the Wesleyan Methodist Church, praying for assistance towards the support of a Seminary for Education erected by them in the vicinity of the town of Cobourg, in Upper Canada.

I have had the honour to lay this Address at the foot of the Throne, and I am to desire that you will convey to the Ministers of the Wesleyan Church the satisfaction with which His Majesty has received the expression of their attachment to His Person and Government.

Since the receipt of Sir John Colborne's Despatch, I have been in communication on the subject of this Address with the Rev. Mr. Ryerson, who was deputed to represent the interests

of the Wesleyan Methodist Church in this country. The subject is one to the importance of which I am fully sensible, and to which I have accordingly devoted an attentive consideration. But I regret that I am unable to discover the means of affording to the Wesleyan Methodist Church that pecuniary assistance which they solicit. I have announced to Mr. Ryerson my decision on the subject, and the considerations on which it has been founded: I cannot perhaps more fully explain them to you than by transmitting a copy of the letter which has been, by my direction, addressed to that gentleman. I have to request that you will communicate the substance of it to the Wesleyan Methodist Church in Upper Canada, as an answer to their Address to His Majesty of the 16th June.

I have, &c.,

(Signed)

GLENELG.

Sir F. B. HEAD, &c. &c. &c.

No. 73.

DOWNING STREET,
26th July, 1836.

SIR,

With reference to my Despatch of the 2nd March last, I have the honor to inform you that in consequence of the representations made to me by the Revd. E. Ryerson, I considered it my duty to advise His Majesty to grant a Charter of Incorporation to the Seminary of Learning lately established in the vicinity of Cobourg under the title of the Upper Canada Academy. His Majesty having been graciously pleased to approve that advice, I have the honor to transmit to you herewith an additional instruction, signed by His Majesty, directing you to pass under the Public Seal of the Province, Letters Patent for the Incorporation of the Academy in the terms therein specified.

Further Despatch on the same subject.

In my Despatch of the 2nd March, I informed you, that in the existing state of public affairs in Upper Canada, I had not felt at liberty to grant to this Institution any pecuniary assistance from the Crown Revenues of the Province. From that decision I have not been able to depart, but, appreciating as I do the exertions which have been made by the Wesleyan Methodist Church for the promotion of Education in Upper Canada, I cannot but feel a lively interest in the success of this Academy, and a sincere desire that it may not be left without such pecuniary aid as may be necessary to its support.

I cannot doubt that in these sentiments the Representatives of the people of Upper Canada will coincide; and the object of my present Despatch is to desire that you will bring the subject under the notice of the Provincial Legislature at its next meeting, and suggest to the House of Assembly the propriety of affording pecuniary assistance to the Wesleyan Body in carrying into operation the Academy lately established by them. The amount of that assistance, and the source from whence it should be derived, must of course be left to the judgment of the House of Assembly.

I have, &c.,

(Signed)

GLENELG.

Lieutenant Governor

Sir FRANCIS HEAD, K. C. H.

(For Return of Applications for Land by Religious Denominations—Documents respecting Agreement with Canada Company—Report of Welland Canal Directors—Report of Commissioners for Improving Navigation of Newcastle District Waters—Report of Commissioners for Macadamizing East York Road—Report of Commissioners, Kingston and Napanee Road—Report of Commissioners, Dundas and Waterloo Road—Report of Commissioners, Kingston Hospital—Report of Commissioners, Trent Bridge—Report of Commissioners, Gull Island Light-House—Report of Commissioners, Port Colborne Light-House—and Accounts of District Treasurers—See Appendix.)

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor, respecting the Murray Canal, was read the third time and passed, and is as follows:—

Address on Murray Canal read 3rd time and passed.

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

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to represent, in reference to the Despatch sent down to the House of Assembly by Your Excellency, and which Your Excellency has received from Her Majesty's principal Secretary of State for the Colonies, in answer to the Address of this House to Her Majesty upon the subject of the Canal across the Isthmus of Prince Edward—and

Address.

by which Despatch Her Majesty is graciously pleased to authorise Your Excellency "to carry into effect the recommendation of the House of Assembly, if on a further consideration of that subject that House shall see no cause to depart from the view which they have already taken of the question,"—that this House sees no cause to depart from the view which it has already taken in regard to the subject, but that recent events have still further tended to convince the House of Assembly of the paramount importance it is to this Province that that Canal should be constructed at as early a period as possible, in order that thereby the inland-water communication from Lower Canada by the Rideau Canal may be extended upwards of seventy miles, and within a few hours' sail of the capital of Upper Canada.

2d. The House of Assembly, therefore, respectfully beg leave to request that Your Excellency will be pleased to authorise a grant to be made to Trustees of the lands in Murray, referred to in the Address to Her Majesty as being yet at the disposal of Her Majesty in that Township, and also that Your Excellency will be pleased to set apart, and place in the hands of such Trustees, Crown Lands in lieu of and equal in value to those which were formerly reserved for the purposes of this Canal, and since granted to settlers.

3d. In estimating the value of the lands now to be set apart, the House of Assembly trusts that Your Excellency will deem it but just to give instructions to the officers charged with the execution of Your Excellency's orders in that behalf, to have a due regard to the increased value which the Canal reserve lands granted to settlers shall have attained (supposing them of course to have remained in their wild state) at the time the Legislature may determine upon the immediate execution of the work, or at such time as the said land may be ordered to be sold.

4th. The House of Assembly acknowledges with gratitude the beneficent intentions of Her Majesty, in the suggestion in which it concurs, that it may probably best comport with the interests of her people in this Colony, that the Canal should be constructed by a grant of money instead of appropriating the Crown Lands to that object, and it willingly defers to Your Excellency the propriety of adopting such suggestion by placing at the disposition of the Legislature a grant of money from the Crown fund instead of the lands.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly, }
16th February, 1838. }

On motion of Mr. Ruttan, seconded by Mr. Gamble,

Committee to carry up
Address.

Ordered—That Messrs. McDonell of *Northumberland* and Boulton be a Committee to wait upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive the Address of this House upon the subject of the Murray Canal, and to present the same.

On motion of Mr. Ruttan, seconded by Mr. Detlor,

His Excellency's Message
with correspondence on
U. C. Academy, referred.

Ordered—That the further Correspondence transmitted by the Lieutenant Governor, upon the subject of the U. C. Academy, be referred to the Select Committee to whom was referred His Excellency's Message, with accompanying Documents, on the same subject.

On motion of Mr. Manahan, seconded by Mr. Burwell,

500 copies of Documents
on Canada Company's
Agreement to be printed.

Ordered—That 500 copies of the Documents relating to the Canada Company, transmitted by His Excellency the Lieutenant Governor, be printed.

On motion of Mr. Boulton, seconded by Mr. Detlor,

His Excellency's Message
and Documents on im-
provement of navigation
of inland waters, District
of Newcastle, referred.

Ordered—That the Message of His Excellency the Lieutenant Governor, with the accompanying Documents, on the subject of the Improvement of the Navigation of the Inland Waters of the District of Newcastle, be referred to a Select Committee, to consist of Messrs. Ruttan, Cartwright, and Sherwood, to report thereon by Bill or otherwise.

On motion of Mr. Cartwright, seconded by Mr. Boulton,

Address of thanks
ordered.

Ordered—That Messrs. Ferrie and Detlor be a Committee to draft, report, and present an Address, thanking his Excellency for his several Messages of this day.

Haldimand separation bill
read second time and
committed.

Pursuant to the order of the day, the Haldimand Separation Bill was read the second time.

The House was put into a Committee of the whole on the Bill.
Mr. Malloch in the chair.

The House resumed.

The Chairman reported that the Committee had risen for want of a quorum.

P R E S E N T.

Messieurs *Armstrong, Burwell, Cartwright, Chisholm* of Halton, *Cook, Dellow, Dunlop,* No Quorum.
Ferrie, Malloch, McLean, Merritt, Murney, Morris, Robinson, Rykert, Shaver,
Thorburn—17.

At half-past five o'clock, P. M., the Speaker declared the House adjourned for want of a quorum.

Saturday, 17th February, 1838.

The House met.

The minutes of yesterday were read.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Haldimand Separation Bill. Haldimand separation bill again committed.

Captain Dunlop in the chair.

The House resumed.

The chairman reported that the Committee had made some progress in the bill, and asked leave to sit again on Monday next. Progress reported.

The Report was received, and leave granted accordingly.

The following petitions were severally brought up and laid on the table:— Petitions brought up:

By Mr. Prince, the petition of Colonel Richard Bullock, Adjutant General of Militia in Upper Canada. Colonel Bullock.

By Mr. Robinson, the petition of Ann Hammond, of the Township of Oro (Simcoe). Ann Hammond.

And by Mr. Ruttan, the petition of Thomas Ward, Colonel in the Durham Militia. Colonel Thomas Ward.

Pursuant to the order of the day, the Bill to naturalize Elijah Nellis was read the third time. Bill to Naturalize E. Nellis, read third time.

On the question for passing the bill, the Yeas and Nays were taken as follows:— On passing,

Y E A S.

Messieurs *Burwell, Cartwright, Chisholm* of Halton, *Chisholm* of Glengarry, *Cook, Dellow,* Yeas—24.
Duncombe, Dunlop, Ferrie, Marks, McCrae, McDonell of Stormont, *McIntosh,*
McKay, Merritt, Morris, Parke, Prince, Rykert, Shade, Shaver, Thomson, Thorburn,
Woodruff—24.

N A Y S.

Messieurs *Boulton, Gamble, Malloch, Robinson, Solicitor-General*—5. Nays—5.

The question was carried in the affirmative by a majority of nineteen, and the Bill was passed. Carried, majority 19.

Mr. Merritt, seconded by Mr. Rykert, moves, that the Bill be entitled, Title.
 “*An Act to Naturalize Elijah Nellis.*”

Which was carried, and Messrs. Merritt and Rykert were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Bill to provide a sum of money for the erection of a new Gaol in the District of London, was read the third time. London Gaol bill read 3rd time.

On the question for passing the bill,

Amendment moved.

In amendment, Captain Dunlop, seconded by Mr. Thorburn, moves, that the Bill do not now pass, but that the following be added as a Rider:—

And be it &c., That when the County of Huron shall have provided itself with a sufficient Gaol and Court House, in conformity with a Bill entitled, 'An Act to erect the County of Huron, and certain other territory adjacent thereunto, into a separate District, by the name of the District of Huron,'—and so soon as the said County of Huron shall become a District, in conformity with the provisions of the aforesaid Act, all moneys that shall or may have been raised, levied, and collected from such County, for the purpose of erecting the Gaol at London, shall be repaid by the District of London forthwith into the hands of the Treasurer of the District of Huron, to be applied to the general purposes of such new District as its Magistrates may direct.

Division.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—17.

Messieurs *Bockus, Chisholm* of Glengarry, *Cook, Dunlop, McCrae, McDonell* of Stormont, *McIntosh, McKay, Morris, Parke, Ruttan, Shade, Shaver, Solicitor-General, Thomson, Thorburn, Woodruff*—17.

N A Y S.

Nays—10.

Messieurs *Boulton, Burwell, Cartwright, Chisholm* of Halton, *Duncombe, Ferrie, Gamble, Malloch, Manahan, McDonell* of Northumberland—10.

Amendment carried, majority 7.

The question of amendment was carried in the affirmative by a majority of seven.

Petitions read:

Pursuant to the order of the day, the following petitions were read:—

Robert Lachlan, Esq.

Of Robert Lachlan, Esquire, Sheriff of the Western District, praying for a Salary.

John G. Howard.

And of John G. Howard, Architect, of the City of Toronto, praying remuneration for his services in the alteration of the Parliament Building, in 1833.

Petitions referred:

On motion of Mr. Prince, seconded by Mr. McKay,

Of Robert Lachlan:

Ordered—That the petition of Robert Lachlan, Esquire, Sheriff of the Western District, be referred to a Select Committee, consisting of Messrs. Sherwood and Gamble, with power to send for persons and papers, and to report thereon.

Of Thomas Collins.
Of James Robinson.
Of Thomas Collins and
Michael McNeeson.

On motion of Mr. Solicitor-General, seconded by Mr. Malloch,
Ordered—That the petitions of Thomas Collins, James Robinson, and Thomas Collins and Michael McNeeson, be referred to the same Committee to whom was referred the petition of Robert Charles Horne, with power to send for persons and papers, and to report thereon.

Of James Durnan.

On motion of Mr. Solicitor General, seconded by Mr. Malloch,
Ordered—That the petition of James Durnan be referred to a Select Committee, to consist of Messrs. Marks and Dunlop, with power to report thereon.

Report on petition of
John Farrell referred to
Supply on Monday.

On motion of Mr. Morris, seconded by Mr. Boulton,
Ordered—That the Report of the Select Committee, on the petition of John Farrell, be referred, on Monday next, to the Committee of Supply.

Select Com. on petition of
Hon. J. H. Dunn, report
bill to limit time of con-
testing War Loss pay-
ments.

Mr. Solicitor-General, from the Select Committee to which was referred the petition of the Hon. J. H. Dunn, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Bill read first time.

The Report was received, and the Bill was read the first time.

Ordered—That the bill to limit the time for contesting the validity of the late payments of War Loss claims, be read a second time on Monday next. 2nd reading Monday.

Mr. Boulton, from the Committee to draft an Address to His Excellency the Lieutenant Governor, thanking him for his several Messages of yesterday, reported a draft, which was received and read three times and passed, and is as follows:— Address of thanks reported, read three times, and passed.

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

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave most respectfully to thank Your Excellency for your several Messages of the 16th instant. Address.

ALLAN N. MACNAB,
Speaker.

*Commons House of Assembly, }
17th day of February, 1838. }*

Mr. Boulton, from the Committee to wait on His Excellency the Lieutenant-Governor with the Address of this House, requesting His Excellency to transmit certain Resolutions to His Excellency Sir John Harvey, Lieutenant-Governor of New Brunswick, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:— Committee to carry up Address with resolutions relative to New Brunswick, report answer.

GENTLEMEN,—

I shall have great pleasure in transmitting, by the earliest opportunity, to the Lieutenant-Governor of New Brunswick, these Resolutions of the House of Assembly, for the purpose of being communicated to both Houses of the Legislature of that loyal Province. Answer.

On motion of Mr. Shade, seconded by Mr. Ferrie,

Ordered—That the Message of His Excellency of yesterday, with the accompanying documents, on the subject of the affairs of the Canada Company, be referred to a Select Committee, to be composed of Messrs. Prince, Dunlop, Rykert, and McKay, with power to send for persons and papers, and report thereon by bill or otherwise. Message and Documents on Canada Company referred to Select Com.

Pursuant to notice, Mr. Rykert, seconded by Mr. Boulton, moves for leave to bring in a bill to authorise the Sale of Old Roads in lieu of New ones in certain cases. Bill for sale of old roads brought in.

Which was granted, and the Bill was read the first time.

Ordered—That the Bill be read a second time on Monday next. Bill read 1st time.

Pursuant to notice, Mr. McLean, seconded by Mr. Manahan, moves that so much of the Journals of the 1st Session of the 13th Parliament, as relates to the Petition of A. Burton, be now read. 2nd reading Monday.

Which was carried; and the Journals were read accordingly. Journals read on petition of A. Burton.

(PRINTED JOURNAL, Page 554.)

On motion of Mr. McLean, seconded by Mr. Morris,

Ordered—That the Report now read, together with the Petition of Arthur Burton, be referred to a Committee of the whole on Monday next. Referred to Committee of whole on Monday.

Pursuant to the order of the day, the House was put into a Committee of Supply on the Petition of William Weller and others. House in Committee of Supply on petition of W. Weller and others.

Mr. McLean in the chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some progress, and asked leave to sit again on Monday next.

The Report was received, and leave granted accordingly.

House again in Committee of Supply on report on petition of R. C. Horne.

Pursuant to the order of the day, the House was again put into a Committee of Supply on the report on petition of R. C. Horne.

Mr. Ruttan in the chair.

At one o'clock P. M. the Speaker resumed the chair, and adjourned the House for an hour and a half.

The House met again pursuant to adjournment.

PRESENT:

No Quorum

Messieurs *Boulton, Burwell, Chisholm* of Glengarry, *Detlor, Ferrie, Manahan, McDonell* of Northumberland, *McDonell* of Stormont, *McLean, Morris, Parke, Prince, Richardson, Robinson, Rykert, Shade, Shaver, Thomson, Woodruff*,—19.

At $\frac{1}{2}$ past 2 o'clock the Speaker declared the House adjourned for want of a quorum.

Monday, 19th February, 1838.

The House met.

The minutes of Saturday were read.

House again in Committee of Supply on report on petition of R. C. Horne.

Pursuant to the order of the day, the House was again put into a Committee of Supply on the report of Select Committee on petition of R. C. Horne.

Mr. Ruttan in the chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some further progress in the Report, and asked leave to sit again to-morrow.

The Report was received, and leave granted accordingly.

Petitions brought up:

The following petitions were severally brought up and laid on the table:—

Sarah Wright.

By Mr. Malloch, the petition of Sarah Wright, of the City of Toronto.

T. Milburn and 107 others.

By Mr. McDonell of *Northumberland*, the petition of Thomas Milburne and one hundred and seven others of the town of Peterborough.

William Ogden.

And by Mr. Thorburn, the petition of William Ogden, of the City of Toronto.

On motion of Mr. Morris, seconded by Mr. McLean,

Order for adjourning an hour and a half each day rescinded.

Ordered—That the resolution of this House directing that “the Speaker do leave the chair every day on which the House is in Session, at the hour of one o'clock, P. M., for one hour and a half,” be rescinded.

Rider to London Gaol Bill read third time.

Pursuant to the order of the day, the rider to the bill to authorise the erection of a new Gaol in the District of London was read the third time and the bill was passed.

Bill passed.

Mr. Burwell, seconded by Captain Dunlop, moves that the bill be entitled,

Title.

“*An Act to provide for the erection of a new Gaol at the town of London in the District of London.*”

Which was carried, and Messrs. Burwell and Dunlop were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the petition of Robert Chambers and two hundred and nineteen others of the town of Peterborough, District of Newcastle, praying that the limits of said town may be defined, and a police established therein, was read.

Petition of R. Chambers and 219 others, read.

Mr. Manahan gives notice that he will, on to-morrow, move that an humble Address be presented to the Queen, praying that Her Majesty will be graciously pleased to direct that the Canal known as the Murray Canal, at the isthmus of Prince Edwards, for which surveys and estimates are before this House, be undertaken and perfected at the expense of Her Majesty's Government, as thereby the internal navigation effected by the Ottawa and Rideau Canal will be extended one hundred and one miles on the Bay of Quinte.

Notice of Address to Her Majesty respecting the Murray Canal.

Mr. Morris, from the Select Committee to which was referred the petition of James W. Parmenter and W. E. Potter, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Select Com. on petition Parmenter and Potter, report bill to naturalize Messrs Parmenter and Potter.

The report was received, and the bill was read the first time.

Bill read first time.

Ordered—That the bill to naturalize Messrs. Parmenter and Potter, 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 that part of the Journals of last winter Session which relates to the report of the Select Committee on the Clergy Reserves.

House in Committee on report on Clergy Reserves (last winter.)

Mr. Richardson in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to a Resolution, which he was directed to submit for the adoption of the House.

Resolution reported.

The Report was received.

The Resolution was adopted, as follows :—

Resolved, That it is highly expedient and desirable that the long pending controversy respecting the Clergy Reserve Lands should be finally settled in such a manner that a just and equitable distribution may be made of the proceeds of the said lands—that as the discussion of the subject by this House is likely to engender unchristian feelings, the said Lands, in the opinion of this House, should be reinvested in the Crown, to be sold in the same manner as other Crown Lands are, or may be, for the support and maintenance of the Christian religion within the Province, and that the proceeds of the Lands already sold be appropriated and disposed of in like manner.

Resolution.

In amendment, Mr. Rykert, seconded by Mr. Bockus, moves, that the Resolution do not now pass, but that it be amended by expunging all after the word "*Resolved*," and inserting the following :—

Amendment moved.

"That it is inexpedient to reinvest the Lands called 'the Clergy Reserves' in the Crown; but that in order to settle this long pending controversy as speedily as possible, it is expedient that the said Lands be sold, and the proceeds thereof be paid into the hands of the Receiver General of this Province, to be appropriated from time to time to such purposes as the Legislature shall direct."

On which the Yeas and Nays were taken as follows :—

Division on amendment :

Y E A S.

Messieurs *Aikman, Bockus, Chisholm* of Glengarry, *Cook, Dettlor, McDonell* of Stormont, *McIntosh, Merritt, Parke, Rykert, Shaver, Thorburn, Woodruff*—13.

Yeas—13.

N A Y S.

Messieurs *Armstrong, Attorney-General, Boulton, Burwell, Cartwright, Chisholm* of Halton, *Dunlop, Elliot, Ferrie, Gamble, Malloch, Manahan, Marks, McDonell* of Northumberland, *McKay, McLean, Murney, Morris, Richardson, Robinson, Ruttan, Shade, Sherwood, Solicitor-General, Thomson*—25.

Nays—25.

The question of amendment was decided in the negative by a majority of twelve.

Lost, majority 12.

Another amendment moved.

In amendment, Mr. Merritt, seconded by Mr. McIntosh, moves, that the whole be expunged and the following inserted:—

“Whereas His Majesty’s Government was pleased, in the year 1798, to grant twelve Townships of Land (about 543,000 acres) for the purpose of endowing Grammar Schools within the different Districts of this Province, and in due course of time to the endowment of an University—and whereas 225,000 acres of these Lands were appropriated to the endowment of an University (King’s College)—also 60,000 acres of Land for Minor College, as an appendage to that Institution, of the choicest and most valuable of those Lands, leaving only 228,000 acres of indifferent lands, remotely situated, for the support of Grammar Schools and general Education, contrary to the interests and feelings of the great body of the inhabitants of this Province—and whereas His Majesty’s Government has been pleased to call upon this House to distribute the fund arising from the Clergy Reserves for the *spiritual and temporal interests* of His Majesty’s faithful Subjects in this Province—Resolved, That this object would be best effected by appropriating the proceeds of 250,000 acres for the support of Grammar Schools within the several Districts within this Province, out of the first proceeds of the 2,354,000 acres of land, which it is contemplated by this Legislature to be reinvested in the Crown.”

Division on amendment:

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—18. Messieurs *Aikman, Armstrong, Bockus, Chisholm* of Glengarry, *Cook, Dettlor, Dunlop, McDonell* of Stormont, *McIntosh, Merritt, Morris, Parke, Rykert, Shade, Shaver, Thomson, Thorburn, Woodruff*—18.

N A Y S.

Nays—19. Messieurs *Attorney-General, Boulton, Burwell, Cartwright, Chisholm* of Halton, *Elliot, Gamble, Malloch, Manahan, Marks, McDonell* of Northumberland, *McKay, McLean, Murney, Richardson, Robinson, Ruttan, Sherwood, Solicitor-General*—19.

Lost, majority 1.

The question of amendment was decided in the negative by a majority of one.

On adopting resolution:

On the question for adopting the Resolution, the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—21. Messieurs *Armstrong, Attorney-General, Boulton, Burwell, Cartwright, Chisholm* of Halton, *Duncombe, Elliot, Ferrie, Gamble, Malloch, Manahan, Marks, McDonell* of Northumberland, *McLean, Murney, Robinson, Ruttan, Shade, Sherwood, Thomson*—21.

N A Y S.

Nays—17. Messieurs *Aikman, Bockus, Chisholm* of Glengarry, *Cook, Dettlor, McDonell* of Stormont, *McIntosh, McKay, Merritt, Morris, Parke, Richardson, Rykert, Shaver, Solicitor-General, Thorburn, Woodruff*—17.

Resolution adopted, majority 4.

The question was carried in the affirmative by a majority of four, and the resolution was adopted.

On motion of Mr. Sherwood, seconded by Mr. Boulton,

Select Com. to draft bill on resolution.

Ordered—That the resolution be referred to a Select Committee consisting of Messrs. Thomson and Cartwright, with power to report thereon by bill.

Bill to purchase swords for Messrs MacNab and Drew, read 2nd time and committed.

Pursuant to the order of the day, the bill granting a sum of money to purchase swords for Colonel McNab and Captain Drew was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Merritt in the chair.

The House resumed.

Reported without amendment.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Adjourned.

Tuesday, 20th February, 1838.

The House met.

The minutes of yesterday were read.

The following petitions were severally brought up and laid on the table :—

By Mr. Thomson, the petition of George Miller, and one hundred and ninety-six others, of the townships of Etobicoke, Toronto, Gore of Toronto, and Chinguacousey, (York.) G. Miller and 196 others.

By Mr. Burwell, the petition of John F. Maddock, and George Hamilton, of the City of Toronto. John F. Maddock and George Hamilton.

By Mr. Cartwright, the petition of Isaac Fraser, and two others, Commissioners for building a bridge across Parrott's Bay, in the township of Ernesttown, Midland District. Isaac Fraser and 2 others.

And by Mr. McLean, the petition of Richard McBain, of the township of Charlottenburgh, Eastern District. Richard McBain.

Pursuant to the order of the day, the bill granting a sum of money to purchase Swords for Colonel McNab and Captain Drew, was read the third time. Bill to purchase swords for Messrs MacNab and Drew, read third time.

On the question for passing the Bill, the Yeas and Nays were taken as follows :—

Y E A S.

Messieurs Aikman, Boulton, Burwell, Chisholm of Halton, Chisholm of Glengarry, Deltor, Ferrie, Gamble, Malloch, Marks, McDonell of Northumberland, McDonell of Stormont, McKay, Parke, Richardson, Robinson, Ruttan, Rykert, Shade, Sherwood, Solicitor-General, Thomson—22. Yeas—22.

N A Y S.

Messieurs Bockus, Cook, McIntosh, McLean, Morris, Shaver, Thorburn, Woodruff—8. Nays—8.

The question was carried in the affirmative by a majority of fourteen, and the bill was passed. Carried, majority 14.

Mr. Burwell, seconded by Mr. Chisholm of Halton, moves that the bill be entitled,

“An Act granting to Her Majesty a sum of money to provide for the presentation of swords to Colonel McNab and Captain Drew.” Title.

Which was carried, and Messrs. Burwell and Chisholm of Halton were ordered by the Speaker to carry the bill up to the Honble. the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the following Petitions were read :— Petitions read :

Of Colonel Richard Bullock, Adjutant-General of Militia in Upper Canada, praying for the purchase of certain works on Military Evolutions and Exercises for the use of the Militia. Colonel Bullock.

Of Ann Hammond, of the Township of Oro, (Simcoe,) stating that her husband died in consequence of privations in Her Majesty's service during the late Rebellion, and praying relief. Ann Hammond.

And of Thomas Ward, Colonel in the Durham Militia, stating that a Militia Court-Martial was held at Amherst in 1836, pursuant to orders, and praying that the expenses of the same may be defrayed by the Legislature. Colonel Thomas Ward.

Mr. Burwell, seconded by Mr. McDonell of Northumberland, moves, that the petition of John Ford Maddock and George Hamilton, be now read, and that the 41st Rule of this House be dispensed with as far as relates to the same.

Which was carried, and the petition of John F. Maddock and George Hamilton, of the City of Toronto, praying that a certain deficiency in the Salary of the Third Clerk in the Receiver General's Office, while they successively filled that situation, may be made good to them, was read. John F. Maddock.

Mr. Thomson, seconded by Mr. Gamble, moves, that the petition of George Miller, and others, be now read, and that the 41st Rule of this House be dispensed with as far as relates to the same.

G. Miller and 196 others.

Which was carried, and the petition of George Miller, and one hundred and ninety-six others, of the Townships of Etobicoke, Toronto, Gore of Toronto, and Chinguacousey, (York,) praying for a grant of money to Macadamize a certain Road, was read.

Mr. Cartwright, seconded by Mr. Detlor, moves, that the petition of Isaac Fraser, and others, Commissioners for building the Bridge over Parrott's Bay, be now read, and that the 41st Rule of this House be dispensed with as far as relates to the same.

Isaac Fraser and 2 others.

Which was carried, and the petition of Isaac Fraser, and two others, Commissioners for building a Bridge across Parrott's Bay, in the Township of Ernesttown, Midland District, stating that the Contractor for said Bridge has received but half the sum granted by the Legislature for the erection of the same—and praying that he may be paid the remaining moiety forthwith—he having completed his Contract—was read.

Petitions referred :

On motion of Mr. Burwell, seconded by Mr. McDonell of *Northumberland*,

Of John F. Maddock.

Ordered—That the petition of John Ford Maddock and George Hamilton be referred to the Committee on Finance.

Of Colonel Bullock.

On motion of Mr. Solicitor-General, seconded by Mr. Shaver,
Ordered—That the petition of Colonel Richard Bullock be referred to the Committee of Supply to-morrow.

Of George Miller.

On motion of Mr. Thomson, seconded by Mr. Chisholm of *Halton*,
Ordered—That the petition of George Miller, and others, be referred to the same Committee to whom was referred the petition of John Scarlet, and others.

Of Thomas Ward, Esq.

On motion of Mr. Ruttan, seconded by Mr. Gamble,
Ordered—That the petition of Thomas Ward, Esquire, upon the subject of the Militia General Court Martial, be referred to a Select Committee, to consist of Messrs. Boulton and McDonell of *Northumberland*, to report thereon by Bill or otherwise.

Of I. Fraser and others.

On motion of Mr. Cartwright, seconded by Mr. Detlor,
Ordered—That the petition of Isaac Fraser, and others, be referred to a Committee of Supply, on to-morrow.

Of A. Jones and others.

On motion of Mr. Sherwood, seconded by Mr. Ferrie,
Ordered—That the petition of Alpheus Jones, and others, and the petition of James Jessup, and others, be referred to a Committee of Supply on to-morrow.

Of J. Jessup and others.

On motion of Mr. McLean, seconded by Mr. Morris,
Ordered—That the Committee of Finance be discharged from the consideration of the claim of Arthur Burton.

Finance Com. discharged from consideration of claim of Arthur Burton.

NOTICES :
Of Bill to regulate costs in cases of informations.

Mr. Solicitor General gives notice that he will, to-morrow, move for leave to bring in a Bill to regulate the payment of costs in certain cases of informations at the suit of the Crown.

Of Bill to appoint Commission on claims for losses during rebellion.

Mr. Richardson gives notice that he will, on Thursday next, move for leave to bring in a Bill to provide for the appointment of Commissioners to investigate the claims of certain inhabitants of this Province for losses sustained during the late rebellion.

Select Com. on Finance present third report, and Bill to vest Casual and Territorial Revenue in the Legislature.

Mr. Merritt, from the Committee on Finance, presented a third Report, and the draft of a Bill to vest the Casual and Territorial Revenue in the Legislature.

The Report was received.
The Report was read.

3rd Report on Finance.

(REPORT—See Appendix.)

The Bill was read the first time, and ordered for a second reading to-morrow.

Bill read first time.
2nd reading to-morrow.

On motion of Mr. Merritt, seconded by Mr. Morris,

Ordered—That the House do go into Committee of the whole, on Thursday, on the Third Report of the Finance Committee, and that it be the first item on the order of the day.

Report of Finance Com. referred to Committee of whole on Thursday.

Mr. Burwell, from the Select Committee to which was referred the Petition of James Racey and others, presented a Report, which was received, and read as follows:—

Select Com. on petition of James Racey and others, present report.

To the Honourable the Commons House of Assembly.

The Committee, to whom was referred the petition of James Racey, Esquire, and others, praying that a new County may be formed of parts of the District of Gore, consisting of the Indian Territory, commonly known by the name of the Township of Brantford, and the Township of Dumfries,—beg leave to Report:—

Report.

That in consideration of the subject referred to them, they made reference to the Official Gazette, and found that the advertisement therein contained, and intended to effect the object the petitioners have in view, was indefinite as to the territory intended to be embraced, and differed materially from the objects set forth in the petition.

Your Committee had before them Absalom Shade, Esquire, M. P. for the County of Halton, of which the Township of Dumfries, mentioned in the petition, forms a part,—who stated that in his opinion the inhabitants of Dumfries within his representation, had they known that it was the wish of the petitioners to include that Township in the new County they are desirous of forming, would have petitioned Your Honourable House against granting the prayer of the petitioners.—The Indian territory, otherwise known as the Township of Brantford, is of itself too small to form a separate County.

Under these circumstances, your Committee cannot recommend the object of the petitioners to the adoption of Your Honourable House.

M. BURWELL, *Chairman*,
G. H. DETLOR,
E. W. THOMSON,
W. H. MERRITT,
RICHARD WOODRUFF.

*Committee Room, House of Assembly, }
20th February, 1838.*

Mr. Burwell, seconded by Mr. Chisholm *of Halton*, moves, that it be **Resolved**, That a vote of the thanks of this House be given to Captain Drew, and the gallant Volunteers who accompanied him in the capture and destruction of the piratical Steamer "Caroline"—and to Colonel Radcliffe, and the gallant Volunteers of Militia, who nobly captured the piratical Schooner "Anne," at Amherstburg, in the Western District, in an attempt to invade this Province;—and that the 31st Rule of this House be dispensed with in as far as relates to the same.

Vote of thanks ordered to be transmitted to Captain Drew and Col. Radcliffe.

Which was carried.

On motion of Mr. Burwell, seconded by Mr. Chisholm *of Halton*,

Ordered—That the Speaker do transmit to Captain Drew, and Colonel Radcliffe, copies of the foregoing Resolution, and request that they will communicate the same to the several Officers and Men to whom it relates.

The above resolution to be transmitted to Captain Drew and Col. Radcliffe.

Mr. McLean, seconded by Mr. Morris, moves, that the report of the Select Committee, on the claim of Arthur Burton, be adopted by this House.

Motion to adopt Report on petition of A. Burton.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Messieurs *Chisholm of Glengarry, Malloch, McDonell of Northumberland, McDonell of Stormont, McKay, McLean, Robinson, Woodruff*—8.

Yeas—8.

N A Y S.

Nays—16.

Messieurs *Aikman, Armstrong, Bockus, Burwell, Cartwright, Chisholm* of Halton, *Cook, Deilor, Duncombe, Ferrie, McCrae, McIntosh, Merritt, Murney, Rykert, Shade*—16.

Lost, majority 8.

The question was decided in the negative by a majority of eight.

McNab and Church pension bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the bill granting Pensions to the Widows and Children of the late Captains McNab and Church.

Mr. Parke in the Chair.

The House resumed.

Reported amended.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

The Report was received.

On 3d reading to-morrow,

On the question for the third reading of the Bill to-morrow, the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—20.

Messieurs *Armstrong, Attorney-General, Boulton, Burwell, Deilor, Duncombe, Dunlop, Gamble, Malloch, McDonell* of Northumberland, *McDonell* of Stormont, *McKay, McLean, Murney, Morris, Parke, Richardson, Ruttan, Shade, Thomson*—20.

N A Y S.

Nays—8.

Messieurs *Aikman, Chisholm* of Glengarry, *Cook, McCrae, McIntosh, Shade, Sherwood, Woodruff*—8.

Carried, majority 12.

The question was carried in the affirmative by a majority of twelve; and the bill was ordered to be engrossed and read a third time to-morrow.

Speaker reports Letter from Mr Sec'y Joseph, respecting prorogation.

Mr. Speaker reported that he had received a communication from Mr. Secretary Joseph, respecting the prorogation of the Provincial Parliament.

The communication was read by the Speaker as follows:—

GOVERNMENT HOUSE,
Tuesday, 20th February, 1838.

SIR,

Letter.

I have the honour to inform you that it is the intention of His Excellency the Lieutenant Governor to prorogue the Legislature on Tuesday, the 27th instant.

I have the honour to be,

Sir,

Your most obedient humble Servant,

J. JOSEPH.

The Hon'ble

ALLAN NAPIER MACNAB,

Speaker of the House of Assembly.

Mr Manahan added to Select Com. on Canada Company's documents.

On motion of Captain Dunlop, seconded by Mr. Shade,
Ordered—That the name of Manahan be added to the Select Committee on the documents relating to the Canada Company.

House again in Committee on report on petition of Owen Richards.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the report of Select Committee on petition of Owen Richards.

Mr. Shaver in the chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some further progress in the Report, and asked leave to sit again to-morrow.

The Report was 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 to erect the eastern townships of the Home District into a separate District.

Home District division Bill, again committed.

Mr. Detlor in the chair.

The House resumed.

The Chairman reported that the Committee had risen.

Committee rises.

The Report was received.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill granting a pension to John Ryan.

Ryan's Pension Bill again committed.

Mr. Detlor in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow.

3rd reading to-morrow.

Mr. Sherwood, from the Select Committee to which was referred the Militia bill, reported the bill, together with an amendment.

Select Committee on Militia Bill, report the bill, with an amendment.

The Report was received.

The Amendment was read, as follows :—

To the Honourable the Commons House of Assembly.

The Committee to whom was referred the bill regulating the organization of the Militia of this Province, beg leave to recommend the following amendment :—

Report of Select Com. on Militia Bill, recommending an amendment.

At the end of the 6th clause in this bill, insert,—“ and any person refusing to obey such order or command, or absconding from, or neglecting to repair to, the place he is ordered to, being a commissioned officer, shall forfeit and pay the sum of fifty pounds, and be held to be unfit to serve Her Majesty as an officer in any military capacity; and being a non-commissioned officer or private shall forfeit and pay the sum of twenty pounds; and in default of payment for such refusal or neglect, such officer, non-commissioned officer, or private, shall be committed to the common Gaol of the District, for any time not less than 6 nor more than 12 calendar months, except such person shall satisfy the Colonel or officer commanding such regiment or battalion to which he belongs, that such refusal or neglect arose from sickness, or that he was absent upon leave.”

All which is respectfully submitted.

H. SHERWOOD.

Chairman.

*Committee Room, House of Assembly, }
20th February, 1838.*

Mr. Sherwood, seconded by Mr. Detlor, moves that the House do resolve itself into a committee of the whole forthwith upon the Militia Bill and Report of the Select Committee.

House in Committee on Militia Bill and Report.

Which was carried; and the House was put into a Committee of the whole on the same accordingly.

Mr. Parke in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the Bill with the amendment recommended by the Select Committee, and submitted it for the adoption of the House.

Bill and amendment agreed to.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow.

3rd reading to-morrow.

The Master in Chancery brought down from the Honourable the Legislative Council a Message, and the bill entitled,

Messages from Legislative Council.

“ *An Act to authorise the Surveyor of Highways in and for the County of Wentworth to convey to Allan N. McNab, Esquire, certain allowances for road in the township of Barton, in the District of Gore,*”

Bill to convey road allowance to Mr Macnab, sent down amended.

to which that Honourable House had made some amendments, and requested the concurrence of this House thereto.

The Message was read by the Speaker, as follows:—

MR. SPEAKER,

Message

Bill to increase salary of Penitentiary Warden, passed.
Mrs Moodie's Pension Bill passed.

The Legislative Council has passed the Bill sent up from the Commons House of Assembly, entitled, "*An Act to enable Her Majesty to remunerate Henry Smith, Esq., Warden of the Provincial Penitentiary, for past services performed, and disbursements made by him, and to increase the salary of that Officer*"—and also the Bill entitled, "*An Act to grant a pension to the widow and children of the late Colonel Robert Moodie*"—without any amendment.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
19th day of February, 1838. }

Amendments to Bill to convey road allowance to Mr Macnab, read first time.

The amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, entitled, "*An Act to authorize the Surveyor of Highways in and for the County of Wentworth to convey to Allan N. Macnab, Esquire, certain road allowances for road in the Township of Barton, in the District of Gore,*" were read twice, as follows:

Amendments.

Press 1, line 16—After "Court," expunge to "so," in line 17.

" 1, " 18—After "much," insert "of the lands of the said Allan Napier Macnab."

" 1, " 18—After "as," expunge "was," and insert "were."

" 1, " 18—After "thereof," insert "was taken."

" 1, " 25—After "the," expunge the remainder of the clause and insert "Lands so taken as aforesaid."

" 3—Add to the Bill, "*And be it further enacted by the authority aforesaid, That so soon as the said conveyance shall be made, the land hereinbefore mentioned and ordered to be taken by the Court of General Quarter Sessions, as well as the road leading from the Dundas road to Burlington Bay, between Lots No. 17 and 18 and the new road laid out on the lands of the said Allan N. Macnab from the Battery to the Reservation on Burlington Heights, shall be deemed and taken to be public highways, as full and effectually as if the same had been laid out as Roads in the original survey of the Township of Barton.*"

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
19th day of February, 1838. }

On the question for the House to go into a Committee of the whole on the amendments,

In amendment, Mr. Sherwood, seconded by Mr. Ferrie, moves that the House do not now resolve itself into a Committee of the whole upon the amendments made to the Bill entitled,

"*An Act to authorize the Surveyor of Highways in and for the County of Wentworth to convey to Allan N. Macnab, Esquire, certain allowances for Road in the Township of Barton, in the District of Gore,*"

But that they be concurred in.

Which was carried, and the amendments were concurred in.

Messrs. Sherwood and Ferrie were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the amendments.

On motion of Mr. Sherwood, seconded by Mr. Ferrie,

Ordered—That this House do resolve itself into a Committee of the whole upon the Report of the Select Committee upon the political state of of the Provinces of Upper and Lower Canada, and that it be the first item on the order of the day for to-morrow.

Amendments concurred in.

Report of Select Com. on state of the Provinces, referred to Com. of whole to-morrow.

Pursuant to the order of the day, the amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, entitled,

Amendments to Windsor Road Bill read 2nd time.

“An Act to incorporate sundry persons under the style and title of the Windsor Road Company,”
Were read the second time.

Mr. McIntosh, seconded by Mr. Morris, moves, that the amendments made to the Windsor Road Bill be now concurred in.

Which was carried, and the amendments were concurred in.

Amendments concurred in.

Messrs. McIntosh and Morris were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the amendments.

Pursuant to the order of the day, the Bill to Incorporate the Town of Kingston was read the second time.

Kingston Incorporation Bill read 2nd time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Morris in the chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

Reported amended.

The Report was received.

Ordered—That the bill be engrossed, and read a third time to-morrow.

3rd reading to-morrow.

Pursuant to notice, Mr. Rykert, seconded by Mr. Sherwood, moves that this House do now resolve itself into a Committee of Supply on the Petition of Adam Stull and Peter Lampman.

House in Com. of Supply on petition of Stull and Lampman.

Which was carried, and the House was put into a Committee of the whole on the same accordingly.

Mr. Shade in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to a Resolution, which he was directed to submit for the adoption of the House.

Resolution reported.

The Report was received.

The resolution was adopted, as follows:—

Resolved—That there be granted to Her Majesty the sum of £40 annually, to enable Her Majesty to pay the following Pensions:—Adam Stull £20, and Peter Lampman the sum of £20, upon their producing satisfactory proof to His Excellency the Lieutenant-Governor of disability from wounds and accidents received during the late war with the United States of America.

Resolution.

On motion of Mr. Rykert, seconded by Mr. McLean,

Ordered—That Messrs. Thomson and Marks be a Committee to draft and report a bill pursuant to the Resolution of this House granting Pensions to Adam Stull and Peter Lampman.

Select Committee to draft bill thereon.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to Macadamize the Road leading from Niagara to the Ten-Mile Creek.

Niagara & 10-mile-Creek road bill again committed.

Mr. Sherwood in the chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House.

Reported amended.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow.

3rd reading to-morrow.

Bill to relieve Sheriffs
and Gaolers brought in.

Pursuant to notice, Mr. Ruttan, seconded by Mr. McKay, moves for leave to bring in a bill for the relief of Sheriffs and Gaolers in certain cases of escapes.

Which was granted, and the bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

Adjourned.

Wednesday, 21st February, 1838.

The House met.

The minutes of yesterday were read.

House in Committee on
Report on state of the
Provinces.

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 State of the Provinces of Upper and Lower Canada.

Mr. Shade in the chair.

The House resumed.

Committee adopt report.

The Chairman reported that the Committee had adopted the Report, and submitted it for the adoption of the House.

On receiving report:

On the question for receiving the Report, the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—22.

Messieurs *Aikman, Attorney-General, Boulton, Burwell, Cartwright, Chisholm* of Halton, *Dunlop, Gamble, Malloch, Marks, McCrae, McDonell* of Northumberland, *McKay, McLean, Murney, Richardson, Robinson, Ruttan, Shade, Sherwood, Solicitor-General, Thomson*—22.

N A Y S.

Nays—16.

Messieurs *Armstrong, Bockus, Chisholm* of Glengarry, *Cook, Deltor, Duncombe, Ferrie, McDonell* of Stormont, *McIntosh, Merritt, Morris, Parke, Rykert, Shaver, Thorburn, Woodruff*—16.

Carried, majority 6.

The question was carried in the affirmative by a majority of six, and the Report was received.

Motion to adopt report on
state of the Provinces.

Mr. Sherwood, seconded by Mr. Boulton, moves that the Report upon the Political State of the Provinces, as reported by a Committee of the whole, be adopted.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—22.

Messieurs *Aikman, Attorney-General, Boulton, Burwell, Cartwright, Chisholm* of Halton, *Dunlop, Gamble, Malloch, Marks, McCrae, McDonell* of Northumberland, *McKay, McLean, Murney, Richardson, Robinson, Ruttan, Shade, Sherwood, Solicitor-General, Thomson*—22.

N A Y S.

Nays—15.

Messieurs *Armstrong, Bockus, Cook, Deltor, Duncombe, Ferrie, McDonell* of Stormont, *McIntosh, Merritt, Morris, Parke, Rykert, Shaver, Thorburn, Woodruff*—15.

Carried, majority 7.

The question was carried in the affirmative by a majority of seven, and the Report was adopted.

On motion of Mr. McKay, seconded by Mr. Chisholm of Halton,

Ordered—That Messrs. Sherwood and Merritt be a Committee to draft Resolutions and an Address founded on the Report on the State of the Provinces—to be laid at the foot of the Throne.

Select Com. to draft
Resolutions and Address
on the Report.

Pursuant to the order of the day, the Bill granting Pensions to the Widows of the late Captains MacNab and Church was read the third time and passed. McNab and Church pension bill read third time and passed.

Mr. Murney, seconded by Mr. Burwell, moves that the bill be entitled, "*An Act to provide a Pension to the Widows of the late Captains James Macnab and William Church.*" Title.

Which was carried, and Messrs. Murney and Burwell were ordered by the Speaker to carry the bill up to the Honble. the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the bill granting a pension to John Ryan was read the third time. Ryan's Pension Bill read 3rd time.

On the question for passing the bill,

In amendment, Mr. Rykert, seconded by Mr. Thomson, moves that the bill do not now pass, but that it be recommitted forthwith.

Which was carried, and the House was put into a Committee of the whole on the bill accordingly. Bill re-committed.

Mr. Solicitor General in the Chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House. Reported amended, (names of "Stull" and "Lampman" inserted.)

The report was received, and the bill, as amended, was ordered to be read a third time this day. 3rd reading to-day.

Pursuant to the order of the day, the Militia bill was read the third time. Militia Bill read third time.

On the question for passing the bill,

In amendment, Mr. Robinson, seconded by Mr. Cartwright, moves that the bill do not now pass, but that the following be added as a Rider:— Amendment moved.

And be it, &c.—That every inhabitant who shall be called upon under the provisions of this Act to enrol himself in the Militia, shall, if required so to do, take the oath of allegiance to Her Majesty, Her Heirs and Successors; which oath the Field Officers, or Captains of Companies, are hereby empowered to administer; and any person so called upon who shall refuse to take the oath as aforesaid, shall forfeit and pay a sum not less than 5s., nor more than £5, to be collected and applied as other fines and forfeitures are directed to be collected and applied under the provisions of this Act.

On which the Yeas and Nays were taken, as follows:—

Division.

Y E A S.

Messieurs *Burwell, Cartwright, Gamble, Malloch, McKay, McLean, Robinson, Solicitor General*—8. Yeas—8.

N A Y S.

Messieurs *Aikman, Armstrong, Boulton, Chisholm of Halton, Chisholm of Glengarry, Cook, Dellor, Duncombe, Dunlop, Ferrie, McCrae, McDonell of Northumberland, Ruttan, Rykert, Shaver, Sherwood, Thomson, Thorburn, Woodruff*—19. Nays—19.

The question of amendment was decided in the negative by a majority of eleven. Amendment lost, majority 11.

In amendment Mr. Richardson, seconded by Mr. Ruttan, moves that the bill do not now pass, but that it be re-committed to-morrow, for the purpose of introducing clauses appointing Lieutenants of Counties. Motion to re-commit Bill to-morrow to insert Lieutenants of Counties.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs *Attorney-General, Cartwright, Gamble, McKay, McLean, Richardson, Robinson, Ruttan, Solicitor-General*—9. Yeas—9.

N A Y S.

- Nays—18.** Messieurs *Aikman, Boulton, Chisholm* of Halton, *Chisholm* of Glengarry, *Cook, Dellor, Duncombe, Dunlop, Ferrie, Malloch, McCrae, McDonell* of Northumberland, *Parke, Shade, Shaver, Sherwood, Thomson, Woodruff*—18.
- Amendment lost, majority 9, and bill passed.** The question of amendment was decided in the negative by a majority of nine, and the bill was passed.
- Title.** Mr. Sherwood, seconded by Mr. Rykert, moves that the bill be entitled, "*An Act to repeal, alter, and amend, the Militia Law of this Province.*"
- Which was carried, and Messrs. Sherwood and Rykert were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.
- Kingston Incorporation Bill read 3rd time and passed.** Pursuant to the order of the day, the bill to incorporate the town of Kingston was read the third time and passed.
- Title.** Mr. Cartwright, seconded by Mr. Sherwood, moves that the bill be entitled, "*An Act to incorporate the Town of Kingston, under the name of the 'Mayor and Common Council of the Town of Kingston.'*"
- Which was carried, and Messrs. Cartwright and Sherwood were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.
- Niagara & 10-mile-Creek road bill read third time and passed.** Pursuant to the order of the day, the bill to macadamize the Road from Niagara to the 10 mile creek was read the third time and passed.
- Title.** Mr. Richardson, seconded by Mr. Rykert, moves that the bill be entitled, "*An Act to raise a sum of money to macadamize the Swamp Road leading from the ten mile creek in the township of Grantham, to the town of Niagara, and for other purposes therein mentioned.*"
- Which was carried and Messrs. Richardson and Rykert were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.
- Ryan, Stull, and Lampman Pension Bill, read third time and passed.** Pursuant to the order of the day, the bill granting a pension to John Ryan, A. Stull, and P. Lampman, was read the third time and passed.
- Title.** Mr. Thomson, seconded by Mr. Rykert, moves that the bill be entitled, "*An Act authorising the payment of pensions to certain Militiamen, disabled during the late war with the United States of America, under certain restrictions.*"
- Which was carried; and Messrs. Thomson and Rykert were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.
- Petitions brought up:** The following petitions were severally brought up and laid on the table:
- Thomas Dalton.** By Mr. Sherwood, the petition of Thomas Dalton, proprietor of the "Patriot" newspaper, City of Toronto.
- Sarah Deithman.** By Mr. Solicitor-General, the petition of Sarah Deithman, of the City of Toronto.
- Edward G. O'Brien and 112 others.** By Mr. Robinson, the Petition of Edward G. O'Brien, and one hundred and twelve others, of the County of Simcoe.
- Edgeworth Ussher.** And by Mr. Richardson, the Petition of Edgeworth Ussher, of the District of Niagara.
- Petitions read:** Pursuant to the order of the day, the following Petitions were read:—
- Sarah Wright.** Of Sarah Wright of the City of Toronto, stating that her husband was killed by a fall from his horse whilst in Her Majesty's service during the Rebellion, and praying for a Pension.
- T. Milburn and 107 others.** Of Thomas Milburn and one hundred and seven others of the Town of Peterborough, praying for a grant of £5000 to Macadamize the Road from Peterborough to Chemong Lake.

And of William Ogden of the City of Toronto, praying to be naturalized. William Ogden.

Mr. Robinson, seconded by Mr. Burwell, moves that the Petition of Edward O'Brien and others be now read, and that the 41st Rule of this House be dispensed with so far as relates to the same. Edward G. O'Brien and 112 others.

Which was carried; and the Petition of Edward G. O'Brien and one hundred and twelve others of the County of Simcoe, praying for authority to levy an additional rate of one penny in the pound on all property within the said County—was read.

Mr. Richardson, seconded by Mr. Shade, moves that the Petition of Edgeworth Ussher be now read, and that the 41st Rule of this House be dispensed with so far as relates to the same. Edgeworth Ussher.

Which was carried; and the Petition of Edgeworth Ussher, of the District of Niagara, praying remuneration for injuries and losses sustained by him in consequence of the Rebellion—was read.

On motion of Mr. Robinson, seconded by Mr. Burwell,

Ordered—That the Petition of Edward O'Brien and others be referred to a Select Committee, composed of Messrs. Gamble and Thomson. Petitions referred :
Of Edward G. O'Brien and others.

On motion of Mr. Chisholm of *Halton*, seconded by Mr. Shade,

Ordered—That the Petition of George Chalmers, and sixty-four others of the Township of Trafalgar, praying for the Macadamizing of Dundas Street from the Eastern Boundary Line of the County of Halton to Hamilton and Dundas, be referred to the Committee of Supply on to-morrow. Of G. Chalmers & others.

On motion of Mr. Solicitor-General, seconded by Mr. Robinson,

Ordered—That the Petition of John G. Howard be referred to the Committee on Contingencies, with power to report thereon. Of John G. Howard.

On motion of Mr. Solicitor-General, seconded by Mr. Robinson,

Ordered—That the Petition of Sarah Wright be referred to the same Committee to whom was referred the Petition of Robert Charles Horne, with power to send for persons and papers, and to report thereon. Of Sarah Wright.

On motion of Mr. Richardson, seconded by Mr. Chisholm of *Halton*,

Ordered—That the Petition of Edgeworth Ussher be referred to the Committee to whom was referred the petition of Robert C. Horne, Esquire. Of Edgeworth Ussher.

Mr. Cartwright gives notice that he will, on to-morrow, move an Address to Her Majesty, calling the attention of Her Majesty to the dangerous and alarming nature of the evidence and sentiments of James Stephen, Esquire, before the Committee of the House of Commons, on the civil government of Canada, and respectfully requesting the removal of the said James Stephen, Esquire, from the situation of Under Secretary of State for the Colonies. NOTICES :
Of Address to H. Majesty on statements of Mr Stephen.

Mr. Parke gives notice that he will, on to-morrow, move for leave to bring in a bill, to alter, extend, and amend, the charter of the Great Western Rail Road Company. Of Bill to amend Charter of Great Western Rail Road Company.

Mr. Ruttan, from the Select Committee to which was referred the Message of His Excellency the Lieutenant Governor, with the documents respecting the Upper Canada Academy, and also the petition of the Rev. E. Ryerson, presented a report, and the draft of an Address to His Excellency the Lieutenant Governor. Select Com. on Message and Documents on U. C. Academy present Report and Address.

The Report was received.

The Report was read, as follows :—

To the Honourable the Commons House of Assembly.

The Select Committee, to which was referred the Message of His Excellency the Lieutenant Governor, of the 29th ultimo, with the accompanying Despatch and Documents upon the subject of the Upper Canada Academy, beg leave to report :— Report.

That it appears the prosperity of this Institution has been a matter of solicitude with his late Majesty's Government so long ago as in July, 1836, for in a despatch to Sir F. B. Head, dated

Report of Select Com.
U. C. Academy.

the 26th of that month, the Secretary of State for the Colonies expresses his high sense of the "exertions which have been made by the Wesleyan Methodist Church for the promotion of Education in Upper Canada, and his lively interest in the success of the Upper Canada Academy, and his sincere desire that it may not be left without such pecuniary aid as may be necessary for its support." And in these sentiments and desires, so strongly expressed, his Lordship was only carrying out the declared policy of His Majesty's Government upon the subject of Education in the year 1832, when by a Royal Despatch, dated 8th November, he declared that, "there is no one object which should be had more at heart than the diffusion of sound knowledge, in the legitimate and most enlarged sense of that term." "This is not merely," his Lordship proceeds, "the first and legitimate interest of society, but is essential to the right use and peaceable enjoyment of every civil and social privilege."—That all possible encouragement should be given to every "scheme for the extension of Education amongst the youth of the Province, and especially amongst the poorest and most destitute of their number, which may be suggested from any quarter with a reasonable prospect of promoting that great design; all minor distinctions should be merged in a general union for this important end; and at the head of that union the Local Government should be found encouraging and guiding, and to the utmost of its power assisting, all the efforts which may be made to create or to foster intellectual enjoyments and pursuits."

In accordance with these views, and in pursuance of a subsequent Despatch from Lord Glenelg, dated the 28th April last, requesting His Excellency to "advance to the Trustees of the Upper Canada Academy the amount of the loan intended to have been granted by the bill" which passed Your Honourable House during the first Session of this Parliament, "out of any unappropriated portion of the Casual and Territorial Revenue of this Province," His Excellency did, in November last, issue his warrant in favour of the Trustees for the sum of £2,050, being one-half the sum which His Excellency was required to advance; the fund not being sufficient at that time to meet the whole demand.

It appears that, upon application being made some time afterwards for a warrant for the residue, His Excellency declined complying with the request, upon the ground that it had been suggested to him that this aid was intended as a loan only, and not as a grant, as had been presumed. It is in consequence of this misunderstanding, as your Committee suppose, that His Excellency the Lieutenant-Governor has brought the matter under the consideration of the House of Assembly.

Whether this aid was intended to be a loan or a grant the Committee do not offer an opinion; but they cannot help remarking, that, although grants are constantly being made from this fund, there is no precedent, as your Committee believe, for a loan. It is perfectly clear, however, that the Secretary of State intended that the sum should be advanced as soon as the fund should admit of it, in order (to use his own words) "to prevent embarrassment to the Institution;" and it is in this view, and the embarrassment likely to ensue should the time of its payment be longer protracted, that the Committee recommend an Address to be passed by your Honourable House requesting that His Excellency will issue the necessary warrant for the remaining moiety of the money.

The Committee thought it right, in order to place the perilous situation of the Academy, and the Trustees individually, before your Honourable House, to call before them the Rev. Mr. Beatty, who is agent for the Institution, who states, that, with a very trifling exception, the only means by which it can be kept open, even during the current quarter, is the credit which the Trustees as individuals can obtain with the Banks and individuals, and to whom they are at this moment defaulters to the amount of £2,542, 2s. 4d., as follows:—

Liabilities of the Trustees of the U. C. Academy, incurred in addition to those Liabilities which have been discharged by the amount received under His Excellency's Warrant of November last.

To the Bank of British North America,	£100
" Commercial Bank of the Midland District, . . .	175
" Farmers' Joint Stock Banking Company, . . .	175
" Commercial Bank (Cobourg Branch,)	160
" Private individual, for loan, for which Rev. E. Evans and J. Ryerson are personally responsible,	500
" Private individual, for loan, for which Rev. E. Ryerson is personally responsible,	850
	<u>£1,960</u>

JOHN RYERSON, *Treasurer.*
JOHN BEATTY, *Agent.*

Toronto, 6th February, 1838.

In addition to the above, there are sundry small sums due to individuals, to the amount of £582, 2s. 4d.,—making, in all, £2,542, 2s. 4d. J. R.

Your Committee have thus given a brief view of the matter submitted to them, and they consider it quite unnecessary at this time to enter at large upon the benefits likely to result to the Province from this Seminary, as the experience of the past year has more than justified the anti-

cipations of the Select Committee of your Hon. House who reported upon this subject during the last winter's Session, and to which Report your Hon. House is respectfully referred.

Report of Select Com. on U. C. Academy.

Your Committee need not point out the disadvantages under which this Institution labours at the commencement of its operations,—they are those which are common to all of a similar kind—and the principal of which is, the outlay of a large capital to meet accruing outstanding debts, and without which it cannot succeed.

Upwards of £9,000 has been laid out upon the Building and its Furniture. The exertions of the Methodist Church in the accomplishment, so far, of this object, are unparalleled, and in the words of the Report before alluded to, "it is the greatest undertaking hitherto successfully prosecuted in this Province by means of voluntary contributions alone."

Having thus expressed their opinion on the general subject of these documents, Your Committee have only to make a brief remark on the petition of the Rev. Egerton Ryerson, which has also been referred to them. Your Committee treat that petition as merely coming from an individual, and not from the Methodists as a body, or from the Trustees of the Upper Canada Academy; and Your Committee have not therefore felt it of sufficient importance to demand an investigation into its merits, which could not lead to any beneficial result, and which might tend to embarrass the interests which Mr. Ryerson no doubt desires to advocate and promote. At the same time, Your Committee cannot but express their regret that Mr. Ryerson should have thought it necessary to make observations such as the petition contains.

All which is respectfully submitted.

H. RUTTAN,
Chairman.

Committee Room, House of Assembly, }
21st February, 1838.

The Address to His Excellency was read twice, and ordered to be engrossed and read a third time this day.

Address read twice.

3rd reading to-day.

Mr. Morris, from the Select Committee to which was referred the petition of Stewart Nichol and Thomas Scott, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

Select Com. on petition of Nichol and Scott report bill to authorize certain persons to practise Physic and Surgery.

The Report was received, and the bill was read the first time.

Bill read first time.

Ordered—That the bill to authorise certain persons to practise physic and surgery be read a second time to-morrow.

2nd reading to-morrow.

Mr Burwell, from the Committee to draft and report a bill pursuant to the resolution granting a pension to Lieutenant Sheppard McCormick, reported a draft, which was received and read the first time.

Committee to draft Bill on resolutions granting pension to Sheppard McCormick, report draft.

Bill read first time.

On the question for the second reading of the bill to-morrow,

In amendment, Mr. Burwell, seconded by Mr. Murney, moves that the bill granting a pension to Lieutenant McCormick be now read a second time, and that the 31st rule of this House be dispensed with in so far as relates to the same.

Which was carried, and the Bill was read the second time.

Bill read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Boulton in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The Report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow.

3rd reading to-morrow.

Mr. Boulton, from the Committee on banking, presented a report and the drafts of two bills.

Select Com. on Banking present report and drafts of two bills.

The Report was received.

The Report was read.

(REPORT—See Appendix.)

No Quorum.

P R E S E N T.

Messieurs Aikman, Armstrong, Bockus, Boulton, Burwell, Chisholm of Glengarry, Dettlor, Dunlop, Ferrie, Gamble, McLean, Merritt, Morris, Robinson, Ruttan, Rykert, Shade, Sherwood, Solicitor-General, Thorburn—20.

At $\frac{1}{4}$ past 5 o'clock, the Speaker declared the House adjourned for want of a quorum.

Thursday, 22nd February, 1838.

The House met.

The minutes of yesterday were read.

On motion of Mr. Cartwright, seconded by Mr. Merritt,

Ordered—That for the remainder of the Session the Speaker do leave the chair at 5 P. M., and resume the same at 7 P. M., each day.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor, respecting the Upper Canada Academy was read the third time and passed, and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal subjects the Commons of Upper Canada in Provincial Parliament assembled, respectfully beg leave to state, that in accordance with Your Excellency's desire that the attention of the House of Assembly should be directed to the matter regarding the aid to be afforded to the Upper Canada Academy, as contained in the Despatch of Her Majesty's Secretary of State for the Colonies, of the 28th of April last, and transmitted by Your Excellency to this House on the 27th ult., requesting Your Excellency to advance to the Trustees of that Institution, "The amount of the loan intended to have been granted by the Bill" which passed this House of Assembly and Legislative Council during the first Session of this Parliament from any unappropriated portion of the Casual and Territorial Revenue of the Province, the House of Assembly, after giving the matter due consideration, expresses its hope that Your Excellency will feel justified in issuing your warrant, in favour of the Trustees, for the remaining moiety of the sum of £4,100 which Your Excellency has been directed by Lord Glenelg to advance, in order to obviate all risk of embarrassment to the Academy.

The House of Assembly duly appreciates the anxious desire which is manifested by His Lordship, and so fully concurred in by Your Excellency, to extend assistance to the Upper Canada Academy in this pressing emergency of its affairs, and more especially so for the reason that it is an institution solely for the education of youth, and, in the words of the Report of the Select Committee of last year, "It is the greatest undertaking hitherto successfully prosecuted in this Province by means of voluntary contribution alone."

The House of Assembly is, moreover, aware of the fact, that spirited individuals are deeply involved in the pecuniary embarrassment which the withholding of this money will occasion, and it feels assured that Your Excellency, under these circumstances, and keeping in view the declared reason for the immediate advance of this money, expressed by the noble Secretary of State, and in the often-repeated determination of Her Majesty's Government "to make a very liberal appropriation for the important object of maintaining suitable establishments for the education of youth of the Province," will order the remaining sum of £2,050 to be advanced, leaving it to be decided by His Lordship whether it was the intention of the Home Government that such advance should be a loan or a grant, a matter upon which this House abstains from offering an opinion.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly, }
22nd day of February, 1838. }

Speaker to leave chair at 5 o'clock for two hours each day.

Address to advance remaining moiety of aid to U.C. Academy, read third time and passed.

Address.

Pursuant to the order of the day, the bill granting a Pension to Lieutenant Sheppard McCormick was read the third time and passed.

McCormick's pension bill read 3rd time and passed.

Mr. Burwell, seconded by Captain Dunlop, moves that the Bill be entitled—

“An Act granting a Pension to Sheppard McCormick, Esquire.”

Title.

Which was carried; and Messrs. Burwell and Dunlop were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Petition of Richard McBain, of the Township of Charlottenburgh, Eastern District, praying remuneration for his services during the last war with the United States of America—was read.

Petition of Rich'd McBain read.

On motion of Mr. Ruttan, seconded by Mr. Gamble,

Ordered—That Messrs. Cartwright and Dunlop be a Committee to inquire when His Excellency the Lieutenant-Governor will be pleased to receive the Address of this House upon the subject of the U. C. Academy, and to present the same.

Committee to carry up Address on U. C. Academy.

On motion of Mr. Cartwright, seconded by Mr. Thomson,

Ordered—That Mr. Detlor have leave of absence for the remainder of the Session.

Leave of absence to Mr. Detlor for remainder of Session.

Mr. Ruttan, from the Select Committee to which was referred the Petition of Colonel Thomas Ward, Esq. presented a Report, which was received and read as follows:—

Select Com. on petition of Thomas Ward, Esq. present report.

To the Honourable the Commons House of Assembly.

The Committee to whom was referred the Petition of Colonel Thomas Ward, President of two Militia General Courts-Martial assembled at Cobourg in the Newcastle District, in the year 1836, for the trial of Colonel Covert—beg leave to report:—

Report.

That the list of the expenses attending such Courts is published in the Appendix to the Journal of that year, signed by the Judge Advocate,—and amounts to the sum of £410, 15s. 8½d.; which your Committee are of opinion ought to be paid, especially as there are several claims of persons who were ordered to attend as members, of peculiar hardship, as well as the claims of the acting Judge Advocate, Colonel FitzGibbon, who twice came down from Toronto, in obedience to the orders of the Lieutenant-Governor. These claims cannot, as your Committee think, be withheld without manifest injustice; therefore the Committee herewith report a Resolution upon the subject, and recommend its adoption to the House.

Respectfully submitted.

H. RUTTAN,
Chairman.

Committee Room, House of Assembly, }
21st February, 1838.

“Resolved—That there be granted to Her Majesty the sum of £ , to enable Her Majesty to pay the expenses attending the Militia General Court-Martial in the Newcastle District, for the trial of Colonel Covert.”

Mr. Robinson, from the Select Committee to which was referred the Petition of Edward G. O'Brien and others, presented a Report, which was received and read as follows:—

Select Com. on petition of Edward G. O'Brien, present report.

To the Honourable the Commons House of Assembly.

The Select Committee to whom was referred the Petition of Edward O'Brien and others, praying that an additional rate may be levied on the inhabitants of the County of Simcoe, for the purpose of defraying the expense of Building a Gaol and Court-House at Barrie in the said County, —beg leave to report a Resolution for the adoption of your Honourable House.

Report.

W. B. ROBINSON,
Chairman.

Committee Room, House of Assembly, }
21st February, 1838.

Resolved—That it is expedient to authorise the Justices of the Peace for the Home District to raise by way of loan a sum not exceeding for the purpose of erecting a Gaol and Court House in the town of Barrie, in the County of Simcoe,—the same to be paid by an additional tax of one penny in the pound, to be levied on the inhabitant householders of the County of Simcoe.”

On motion of Mr. Robinson, seconded by Mr. Burwell,

Report referred to Com. of Supply to-morrow.

Ordered—That the Report of the Select Committee on the petition of Edward G. O'Brien and others be referred to a Committee of Supply on to-morrow.

Select Com. on Finance present 4th Report.

Mr. Merritt, from the Committee on Finance, presented a fourth Report, (on the subject of issuing paper bills of credit) which was received and read.

(REPORT—See *Appendix*.)

Select Com. to draft bill on resolution granting pension to Priscilla Lee, report draft. Bill read first time.

Mr. Robinson, from the Committee to draft and report a bill pursuant to the Resolution of this House granting a Pension to Priscilla Lee, reported a draft, which was received and read the first time.

2nd reading to-morrow.

Ordered—That the Bill granting a Pension to the Widow Priscilla Lee be read a second time to-morrow.

Select Com. on petition D. H. Ritchie, report Bayfield Harbour Bill.

Captain Dunlop, from the Select Committee to which was referred the Petition of David Hood Ritchie and others, informed the House that the Committee had agreed to report by bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.

The report was received, and the bill was read the first time.

Ordered—That the Bayfield Harbour Bill be read a second time to-morrow.

Select Com. on petition of Dr. Strachan present report.

Mr. Solicitor-General, from the Select Committee to which was referred the Petition of Dr. Strachan and others, presented a Report, which was received and read, as follows:—

To the Honourable the Commons House of Assembly.

Report

The Committee to whom was referred the petition of the Honourable and Reverend Dr. Strachan, and others, have agreed to the following Report:—

It appears from the report of the Committee who superintended the House of Industry for the last year, that one thousand, three hundred, and forty-four poor persons obtained relief during that period, at an expenditure of £714 19 10½, of which the Legislature granted £250.

At the date of that report, there were three hundred and eighty-four persons receiving relief, whose situation was such that if deprived of the aid thus given would be reduced to utter and hopeless destitution.

The evidence shows that for the current year the Committee may calculate on a sum of £465 0 0 from sources raised within the City alone; while from the increased distress, and the larger number of applicants occasioned by the particular circumstances of the country, a larger sum than that expended last year will necessarily be required to afford a relief necessary to keep these unfortunate persons from starvation,—amounting to not less than £900.

The City of Toronto is, from the very circumstance of its being the seat of government, the place, above all others in the Province, to which persons emigrating from the Mother Country who were in a very destitute situation—the widows and orphan children of commuted pensioners who have died in this Province, as well as of other emigrants,—more particularly direct their course,—and thus an unequal burden is thrown upon the charitable sympathies of the inhabitants of that place, and the calls for assistance upon them are therefore in a greater proportion than in any other part of the Province—and Your Committee cannot but be sensible that if the means arising from the contribution of the inhabitants are insufficient for the relief of the individuals applying, great misery must result, unless aid from other sources can be obtained,—and taking all circumstances into consideration, they respectfully recommend to Your Honourable House to grant for the purpose such sum as you may think fit.

All which is respectfully submitted.

W. H. DRAPER,
Chairman.

*Committee Room, House of Assembly, }
22nd day of February, 1838.*

On motion of Mr. Solicitor General, seconded by Mr. Robinson,

Report referred to Supply to-morrow.

Ordered—That the report of the Select Committee on the petition of the Honourable Dr. Strachan be referred to the Committee of Supply to-morrow.

Select Com. on petition of Dr Phillips, present report.

Mr. Robinson, from the Select Committee to which was referred the petition of Thomas Phillips, D. D. and others, presented a report, which was received and read as follows:—

To the Honourable the Commons House of Assembly.

The Select Committee to whom was referred the petition of Thomas Phillips beg leave to report a resolution granting a further sum of money to continue the improvement of the Lake Road West of the City of Toronto. Report.

W. B. ROBINSON,
Chairman.

Committee Room, House of Assembly, }
22nd February, 1838.

Resolved—That there be granted to Her Majesty a further sum of £ to enable the Trustees to continue the improvement of the Lake Road, west of the City of Toronto, to be repaid by tolls, in the same manner as the former loan granted for that purpose."

Pursuant to the order of the day, the House was again put into a Committee of the whole on the 3rd Report of the Committee on Finance. House again in Committee on 3rd Report of Finance Committee.

Mr. Cook in the Chair.

The House resumed.

The Chairman reported that the Committee had made some progress in the Report, and asked leave to sit again this day. Progress reported.

The Report was 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 3rd Report of the Committee on Finance. Report again committed.

Mr. Richardson in the chair.

At 5 o'clock the Speaker took the Chair, and adjourned the House for two hours.

The House met again at 20 minutes past seven o'clock.

P R E S E N T :

Messieurs *Aikman, Bockus, Burwell, Chisholm* of Glengarry, *Cook, Malloch, McDonell* of Stormont, *McKay, Merritt, Murney, Morris, Robinson, Ruttan, Rykert, Shade, Sherwood, Thomson*—17. No Quorum.

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

Friday, 23rd February, 1838.

The House met.

The minutes of yesterday were read.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the 3rd Report of the Committee on Finance. House again in Committee on 3rd Report of Finance Committee.

Mr. Thomson in the chair.

The Speaker resumed the chair to receive a Message from the Hon. the Legislative Council.

The Speaker left the Chair.

The Chairman resumed the Chair of Committee.

The Speaker resumed the Chair to receive a Message from His Excellency the Lieutenant Governor.

The Speaker left the Chair.

The Chairman resumed the Chair of Committee.

The House resumed.

The Chairman reported that the Committee had agreed to several Resolutions, which he was directed to submit for the adoption of the House. Resolutions reported.

The Report was received.

The first Resolution was put, as follows:—

1st Resolution.

Resolved—That in the opinion of this House the Casual and Territorial Revenue should not continue to be burthened with the following charges—to Upper Canada College £1,000—Central School £365—and Peterborough School £67 10s.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—14.

Messieurs *Aikman, Attorney-General, Bockus, Chisholm* of Halton, *Cook, Duncombe, Malloch, McDonell* of Stormont, *McIntosh, Merritt, Parke, Rykert, Shade, Shaver, Thorburn*—14.

N A Y S.

Nays—16.

Messieurs *Armstrong, Boulton, Burwell, Cartwright, Chisholm* of Glengarry, *Ferrie, Gamble, Kearns, Manahan, McKay, McLean, Robinson, Ruttan, Sherwood, Solicitor-General, Thomson*—16.

Lost, majority 2.

The question was decided in the negative by a majority of two.

The second Resolution was put, as follows:—

2nd Resolution.

Resolved—That the sum of £7,295, charged upon the Casual and Territorial Revenue for Religious purposes, be no longer paid out of that fund, but be charged upon the Clergy Reserves.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—24.

Messieurs *Aikman, Armstrong, Bockus, Chisholm* of Halton, *Chisholm* of Glengarry, *Duncombe, Ferrie, Kearns, Malloch, Manahan, McDonell* of Stormont, *McIntosh, McKay, McLean, Merritt, Parke, Ruttan, Rykert, Shade, Shaver, Sherwood, Solicitor-General, Thomson, Thorburn*—24.

N A Y S.

Nays—7.

Messieurs *Attorney-General, Boulton, Burwell, Cartwright, Cook, Gamble, Robinson*—7.

Carried, majority 17.

The question was carried in the affirmative by a majority of seventeen, and the Resolution was adopted.

The third Resolution was put, as follows:—

3rd Resolution

Resolved—That as no part of the funds heretofore arising from the Casual and Territorial Revenue has been appropriated in payments of the Attorney and Solicitor Generals, and as the Message from the Home Government does not embrace or recognize those grants; and as those Officers have hitherto been most liberally provided for by the Legislature in the annual grants—it is, in the opinion of this House, inexpedient to include them in any permanent grant.

Division

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Nays—14.

Messieurs *Aikman, Bockus, Chisholm* of Halton, *Chisholm* of Glengarry, *Kearnes, McDonell* of Stormont, *McIntosh, McKay, Merritt, Morris, Shade, Thomson, Thorburn, Woodruff*—14.

N A Y S.

Nays—14.

Messieurs *Boulton, Burwell, Cartwright, Ferrie, Gamble, Malloch, Marks, McDonell* of Northumberland, *Murney, Richardson, Robinson, Ruttan, Rykert, Sherwood*—14.

Lost by casting vote of Speaker.

The question was decided in the negative by the casting vote of the Speaker.

The Fourth Resolution was put as follows:—

4th Resolution

Resolved—That in the opinion of this House the Receiver General should be instructed not to advance any further sum of money in any works in arrear on which security has been provided otherwise than from the Provincial Revenue until all arrearages of interest be paid up, and six months' interest paid thereon in advance.

Division.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Messieurs *Aikman, Attorney-General, Bockus, Chisholm of Halton, Chisholm of Glengarry, Ferrie, Gamble, Kearnes, Malloch, McDonell of Stormont, McIntosh, McKay, Merritt, Murney, Morris, Richardson, Ruttan, Rykert, Shade, Sherwood, Thomson, Thorburn, Woodruff*—23. Yeas—23.

N A Y S.

Messieurs *Boulton, Burwell, Cartwright, Marks, McDonell of Northumberland, Robinson*—6. Nays—6.

The question was carried in the affirmative by a majority of seventeen, and the Resolution was adopted. Carried, majority 17.

The fifth Resolution was put as follows:—

Resolved—That in the opinion of this House an Address be presented to Her Majesty, praying Her Majesty to discharge the debt due to Messrs. Glynn, Halifax, & Co., to relinquish their collateral security or assignment made by the Receiver General, and proceed by a writ of extent against the firm of Thos. Wilson & Co. for moneys due this Province in their hands. 5th Resolution.

In amendment, Mr. Ruttan, seconded by Mr. Kearnes, moves, that after the word "*Resolved*," the whole of the original motion be expunged and the following inserted:—

"That an humble Address be presented to Her Majesty, informing Her Majesty that Debentures issued by the Government of this Province amounting to about £43,000, have been placed in the hands of Glynn, Halifax and Co. of London, by Her Majesty's Receiver General of this Province, for which Debentures no value has been received." Amendment moved.

On which the Yeas and Nays were taken as follows:—

Division on amendment:

Y E A S.

Messieurs *Burwell, Kearnes, Ruttan*—3. Yeas—3.

N A Y S.

Messieurs *Aikman, Attorney-General, Bockus, Boulton, Cartwright, Chisholm of Halton, Chisholm of Glengarry, Gamble, Malloch, McDonell of Northumberland, McDonell of Stormont, McIntosh, McKay, Merritt, Morris, Parke, Richardson, Robinson, Rykert, Shade, Sherwood, Thomson, Thorburn, Woodruff*—25. Nays—25.

The question of amendment was decided in the negative by a majority of twenty-two. Amendment lost, majority 22.

In amendment, Mr. Burwell, seconded by Mr. Robinson, moves, that after the word "moves" the remainder be expunged, and the following inserted:—

"*Resolved*—That the Committee on Finance be instructed to inquire and report why so large a portion of the public Revenue was in the hands of Thomas Wilson & Co. at the time that House suspended payment—the *causes* which prevented that balance being secured by extent—by what means and by *whose means* that balance was transferred to Glynn, Halifax & Co., and whether by the authority of the Government or not—and also to inquire and report whether all balances from time to time reported to be in the hands of the Receiver General were actually in his hands, or whether in the hands of other persons; and if so, on what terms such balances were in the hands of other persons—whether at interest or otherwise; and also to report whether in consequence of any of the public funds being in the hands of private individuals prevented this Province at any time from having the benefit of its public Revenue." Another amendment moved.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Attorney-General, Burwell, Gamble, Robinson, Ruttan*—5. Yeas—5.

N A Y S.

Messieurs *Aikman, Bockus, Boulton, Cartwright, Chisholm of Halton, Chisholm of Glengarry, Ferrie, Kearnes, Malloch, McDonell of Northumberland, McDonell of Stormont, McIntosh, McKay, Merritt, Morris, Parke, Richardson, Rykert, Shade, Sherwood, Thomson, Thorburn, Woodruff*—23. Nays—23.

The question of amendment was decided in the negative by a majority of eighteen, and the Resolution was adopted. Amendment lost, majority 18. Resolution adopted.

The sixth and seventh Resolutions were severally put, and carried as follows :—

6th Resolution.

Resolved—That an humble Address be presented to Her Majesty, praying Her Majesty may be pleased to direct her Principal Secretary of State for the Colonies to take such measures as will cause to be speedily funded in the public funds of this Province raised by Debentures, such moneys as have been raised in this Province, whether from the sale of Public Lands, Clergy Reserves, Indian Lands, or from whatever other source, and are now placed at interest, or funded in the stock of Her Majesty's United Kingdom or elsewhere.

7th Resolution.

Resolved—That an humble Address be presented to Her Majesty, entreating Her Majesty to recommend Her Imperial Parliament to provide by Statute for the payment of the just proportion of duties due to this Province, arising from imports at the port of Quebec, under the provisions of the 6th Geo. IV. ch. 114, and other Imperial Statutes passed since the Canada Trade Act.

The eighth resolution was put as follows :—

8th Resolution.

Resolved—That an humble Address be presented to Her Majesty, representing to Her Majesty that this Province has lately undertaken great public improvements for the purpose of developing her resources and facilitating the transports of her products to the sea-ports of Lower Canada, which cannot fail of promoting the shipping interest of the United Kingdom, and greatly benefiting the trade and commerce of Lower Canada.

That in consequence of the geographical situation of Upper Canada, which by the division-line is excluded from all communication with the sea, this Province does not reap those advantages from the public works which would be otherwise derived had she the control of a sea-port;—that in consequence of both Montreal and Quebec being within the limits of Lower Canada, a great portion of these advantages is gained by our sister Province, whilst the whole burden is sustained by the Upper Province—having incurred debts to the extent of upwards of a million sterling in constructing these works—no portion whatever being contributed by Lower Canada.

That Her Majesty be graciously pleased to recommend Her Imperial Parliament to pass an Act authorising the levying an additional duty of 2½ per cent. ad valorem on all articles imported into the ports of Lower Canada, which shall be applied exclusively to the payment of the interest of the debt contracted by this Province in the construction of these great works of internal improvement;—and we would further represent to Her Majesty that no injustice would be done to the people of Lower Canada by this additional impost, inasmuch as the commercial prosperity of that Province depends greatly on the trade of Upper Canada, as the majority of the 1200 vessels which annually arrive at the ports of Quebec and Montreal are laden with produce the growth and manufacture of Upper Canada, particularly lumber, wheat, and ashes.

Division.

On which the Yeas and Nays were taken as follows :—

Y E A S.

Yeas—25.

Messieurs *Aikman, Attorney-General, Bockus, Boulton, Burwell, Cartwright, Chisholm of Halton, Ferrie, Gamble, Kearnes, Malloch, McDonell of Northumberland, McDonell of Stormont, McKay, Merritt, Morris, Richardson, Robinson, Ruttan, Rykert, Shade Sherwood, Thomson, Thorburn, Woodruff*—25.

N A Y S.

Nays—3.

Messieurs *Chisholm of Glengarry, McIntosh, Parke*—3.

Carried, majority 22.

The question was carried in the affirmative by a majority of twenty-two, and the resolution was adopted.

The ninth resolution was read as follows :—

9th Resolution.

Resolved, 1st. That this House feel it their duty most respectfully to call the attention of Her Majesty's Secretary of State for the Colonies to his Despatch of the 10th of May, 1837, in answer to the Address of this House on the 3d of March preceding, on the subject of the Trade of this Province, in which the Secretary to the Lords of the Committee of the Privy Council for Trade and Plantations, in his letter of the 2d May, 1837, to the Under Secretary of State, Mr. Stephen, urges objections which we have every reason to believe would have been removed had the Report of the Committee on which the Address was founded been transmitted with that Document, and would thus have prevented the injury, inconvenience, and loss which have arisen from the delay. This is assumed from the fact that the Report above mentioned shows most clearly that the Trade of this Province is greatly impeded by embarrassments arising from the following causes, viz :—The apathy and hostility of the Legislature of Lower Canada—the want of a sea-port opening our navigable waters to the ocean under the control of our own Legislature—the non-establishment of a proper system of credit, and the neglect of the removal of every vexatious restriction on our Trade and Commerce; the policy of which is illustrated and enforced by the quotation of an extract from the Report of Mr. Cambreleng of the Committee of Ways and Means in the Congress of the United States, which shows the disadvantages to which their commerce is subjected by the imposition of high duties—then setting forth the magnitude of the western country, the facilities

the St. Lawrence possesses as a channel for the transmission of its productions to the sea, the reduction in its charges of freight, and the immense quantity of merchandize already required for the supply of the country alluded to, the greater part of which can be secured to us by opening the navigation of the St. Lawrence.

9th Resolution.

The Report then proceeds to detail most fully the practical operation of the present Trade Acts by showing, that a very large proportion of Tea and other articles consumed in this Province are smuggled from the United States, and that from our extensive Frontier it is impossible to prevent this illicit Trade by any legal enactment—assigns the reason why it would not lessen the Trade of the Mother Country—enumerates all the articles which could be affected by the measure, which are inconsiderable in number, quantity, or value, and shows the strongest motive which actuated your Committee to press the measure so earnestly, viz. depriving political agitators of the power to create discontent by attending to any duty which was considered oppressive.

Resolved, 2d. That the letter referred to in the foregoing *Resolution* states, that the prayer of the Address goes much beyond the mere prevention of smuggling, since it proposes to place the Trade of foreign countries with this Colony on the same footing as that of the United Kingdom, and that it does not furnish information on which they could proceed to modify the existing law with regard to particular commodities. This information is however supplied by quoting the articles from the Report of the Committee of Trade before alluded to, as follows:—The only articles now restricted under the 3d and 4th of Wm. IV., ch. 89, are Tea, Fish, (dried or salt,) Gunpowder, Oil, and Munitions of War. Of these, subject to a duty of 30 per cent., Books, Paper, and Leather Manufactures, constitute the principal articles of utility.

Such as are subject to a duty of 20 per cent. are Soap and Cotton Manufactures; these being the only articles of consequence comprised under the Schedule.

The following are subject to a specific duty, viz. :—Coffee, Cocoa, and Sugar, 5s. per cwt. and Molasses 3s. per cwt.

The following are subject to a duty of $7\frac{1}{2}$ per cent., and are unimportant either for quantity or value:—Alabaster, Anchovies, Argal, Aniseed, Amber, Almonds, Brimstone, Bolargo, Boxwood, Currants, Capers, Cascasos, Cummin Seed, Coral, Cork, Cinnabar, Dates, Essence of Bergamot, do. of Lavender, do. of Lemon, do. of Roses, do. of Citron, and do. of Rosemary, Emery Stone, (Fruit preserved in Sugar or Brandy,) Figs, Honey, Iron, Juniper Berries, Incense, Lava, Lentils, Marble, Mosaic work, Medals, Musk, Maccaroni, Nuts of all kinds, Oil of Olives, do. of Almonds, Orris Root, Ostrich Feathers, Orange buds and peel, Olives, Pitch, Pickles, Paintings, Passalona, Pumice Stone, Punk, Parmesan Cheese, Prints, Pearls, Precious Stones, (except Diamonds,) Quicksilver, Raisins, Sausages, Sponges, Tar, Turpentine, Vermilion, Vermicelli, and Whetstones.

All other articles are subject to a duty of 15 per cent.

The letter before referred to proceeds with the following remark:—“The only article named in the Address is Tea, and that is subject in Canada to no Parliamentary duty. The only restraint is that it cannot be imported into the Colony from the United States; and the Lords of the Committee cannot readily believe that a commodity whose place of origin is so distant as *China* can by mere mercantile superiority be conveyed to Upper Canada, through the interior settlements of the United States, so much more cheaply than by the waters of the St. Lawrence, as to give to the American smuggler a decided advantage over the British merchant.

“Under these circumstances the restriction on the importation of Tea should not be spoken of as a prohibition; and the articles which are really prohibited are so few in number, and of descriptions which can be so readily supplied by the regular *channels*, that their Lordships can see no reason for entertaining that part of the complaint of the Address which relates to prohibitions.”

Resolved—That this House cannot withhold the expression of its regret and surprise that the Lords of the Committee of Trade cannot readily believe that Tea is introduced for the supply of Upper Canada through New York cheaper than Quebec, although it was so stated by this House, because it is a striking and most convincing proof, that neither the geographical situation of this Province or the nature of our Trade is understood by their Lordships; and, therefore, unless this House can succeed in removing these erroneous views and impressions, they may continue to labour under their present embarrassments for many years to come.

This House assures the Lords of the Committee, that it is not owing to “mere mercantile superiority,” that Tea is introduced cheaper from a country so distant as *China*, by New York and the Erie Canal, than by Quebec and the St. Lawrence—but to the embarrassments and impediments which are experienced by our Trade and Commerce, which are fully detailed in our first resolution, and which they most earnestly call upon Her Majesty’s Government to remove. They further beg leave to state, that Tea would pay a Provincial duty of 3d. per lb. and still be introduced from the United States cheaper than through Lower Canada. The letter to which reference has been already made then goes on to state—“That the commodities which are subject to high duties, are chiefly manufactures such as are usually supplied from Europe, but of which, some, such as coarse and heavy Cottons, are made also in the United States. The remedy in these cases would no doubt consist of a reduction of duties, but, as has been already intimated, the grievances are stated in the Address in such general terms, and the relief desired is so extensive and unqualified, that the Lords of the Committee cannot make that Document the foundation on which they should proceed to investigate the one or investigate the other.”

In reply to these observations, this House most respectfully takes this occasion to express its regret that their Lordships should have found the grievances of which they complain, stated in such general terms, and the relief desired so extensive and unqualified, as to preclude investigation or consideration: to remove this difficulty their Lordships are referred to the enumeration of the articles in No. 4 of these resolutions, where the particular information required will be supplied.

5th Resolution

Again, the letter before referred to states as follows:—"I am to request that you will lay these observations before Lord Glenelg as immediately applicable to Upper Canada, so far as regards any Parliamentary duties, to which alone the Memorialists address themselves; and that you will at the same time inform his Lordship, that the Lords of this Committee do not see any grounds in the subjects thus brought before them in which they could recommend any new facilities of Trade in behalf of that Province which should not be equally extended to all the British Colonies in North America; and it will be manifest to Lord Glenelg, that such a subject could only be entertained either as a question for a great change in the principles of our colonial policy, or with a view to some specific modification of that policy in respect of some particular commodities."

Resolved, 3d. That this House most respectfully represent, that the peculiar local situation of Upper Canada most materially differs from that of any other of Her Majesty's Colonies, inasmuch as the latter are accessible from the Ocean—possess sea-ports, and can regulate their commerce on some general and fixed rules: not so with Upper Canada, for cut off from access to the Sea by Lower Canada, occupying an immense extent of Frontier adjoining the United States, commodities of all kinds are, and ever will be, introduced from the latter, if they can be furnished at a cheaper rate.

The Act of the 3d and 4th of Wm. IV. is not only inoperative, as it relates to this Province, but is even injurious—since it prevents the Provincial Legislature from imposing duties on the articles consumed, and by the "ad valorem" rate of duty which it enacts, enables individuals to practise frauds, creates discontent, and precludes the Legislature from collecting a revenue which is absolutely necessary to pay the interest of the debt created, by sums borrowed and expended on their various improvements, and by which payment alone their credit can be preserved.

Resolved, 4th. That an Address be presented to accompany the foregoing resolutions, praying that Her Majesty's Government will be pleased to lay this subject again under the consideration of the Lords of the Committee of Trade and Plantations, in the hope that they will see the necessity of repealing that part of the law containing the restriction herein complained of, and leave it to the wisdom and discretion of this Legislature to impose such duties on each article as they conceive it will bear, with the view of increasing their revenue and protecting the Trade and Commerce of this Province.

Resolved, 5th. That although this Province is placed on a better footing with regard to the introduction of Grain into England, yet the regulation intended to establish this benefit is rendered inoperative altogether from the circumstance that no Grain can be sent home with the present rate of duty; and the inhabitants of the United States are placed in a much better situation than those of this Province, inasmuch as we are charged with a duty of 23 cents per bushel on all Wheat of the growth of Upper Canada, when admitted into their ports; whilst at the same time, Wheat, the growth of the United States, is introduced free from duty into this Province if intended for home consumption under provisions of the Act before referred to, a regulation which forms a subject of general complaint, as totally at variance with the first principle of reciprocity, subjecting our Markets to fluctuations in Grain, and giving their grower a gain to that amount.

Mr. Sherwood, seconded by Mr. Merritt, moves, that the Resolution be withdrawn, and that it be referred to a committee of the whole on to-morrow.

Which was carried and ordered.

The tenth Resolution was put as follows:—

10th Resolution

Resolved, 1st. That whereas Her Majesty's Principal Secretary of State for the Colonies has in his Despatch, dated 4th of August, 1837, recommended that the power of superintending the financial interests of Upper Canada should be placed in the Local and Imperial Governments; this House feel grateful to Her Majesty's Government for this renewed instance of their watchful care over the interests of this Province, and gladly avail themselves of the suggestions contained in said Despatch.

Resolved, 2d. That the Executive Government be authorised through Her Majesty's Receiver General, or any other legally authorized source, to issue Debentures bearing three per cent interest, payable in twenty-five, thirty, thirty-five, forty, forty-five, or fifty years, at the option of the Executive Government, for the sum of one million of pounds sterling.

Resolved, 3d. That these Debentures be sent to Her Majesty's Principal Secretary of State for the Colonies, with an Address from both branches of the Legislature, praying that Her Majesty's Government would be pleased to recommend the Imperial Parliament to pass a Law to guarantee the interest thereon, on securing and providing the means of paying the said interest by an Act imposing an additional duty of two and a half per cent on all articles imported at the Port of Quebec, pursuant to an Address passed this House during the present Session for that purpose.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—24

Messieurs Aikman, Bockus, Boulton, Burwell, Cartwright, Chisholm of Halton, Ferris, Gamble, Kearnes, Malloch, McDonell of Northumberland, McDonell of Stormont, McKay, Merritt, Morris, Richardson, Robinson, Ruttan, Rykert, Shade, Sherwood, Thomson, Thorburn, Woodruff—24.

N A Y S.

Messieurs *Chisholm* of *Glengarry*, *McIntosh*, *Parke*—3.

Nays—3.

The question was carried in the affirmative by a majority of twenty-one, and the Resolution was adopted.

Carried, majority 21.

The eleventh Resolution was put and carried *nem. con.*, as follows :—

Resolved—That an Address be presented to Her Majesty on the subject of the Bill passed during the last Session of the Parliament of this Province, authorising the Members of the Legislative Council and House of Assembly to frank letters during their Sessions, with certain restrictions, setting forth the impracticability in the present state of the Legislature of the Province of Lower Canada, of carrying out the intentions of the Bill passed in the Imperial Parliament on the 26th March, 1834, on the subject of the Post Office Department in British North America, and praying Her Majesty to be graciously pleased to recommend to Her Imperial Parliament to pass an Act providing that the Surplus Revenue growing out of the profits of the Post Office Department in this Province be paid into the hands of the Receiver General, to be applied to such purposes, and to be accounted for in such manner as the Legislature of this Province shall direct.

11th Resolution.

P R E S E N T.

Messieurs *Aikman*, *Attorney-General*, *Bockus*, *Boulton*, *Burwell*, *Cartwright*, *Chisholm* of *Glengarry*, *Ferrie*, *Gamble*, *Kearnes*, *Malloch*, *McDonell* of *Northumberland*, *McDonell* of *Stormont*, *McIntosh*, *McKay*, *Merritt*, *Morris*, *Parke*, *Richardson*, *Robinson*, *Ruttan*, *Rykert*, *Shade*, *Sherwood*, *Thomson*, *Thorburn*, *Woodruff*.

Carried, *nem. con.*

The twelfth and thirteenth resolutions were severally put and carried as follows :—

Resolved—That in order to have a clear and satisfactory state of the Receipts and Expenditure of this Province placed before the Commons House of Assembly during each succeeding year, the Inspector-General be requested to make out on or before the 10th day of January in each year—

12th Resolution.

1st. A return similar to the one extracted from the Blue Book, and marked O. in the Appendix to the third Report of the Finance Committee.

2. A statement of the entire amount of Debentures as at present issued—the periods when due, and where to be paid.

3d. A statement of the amounts expended for different improvements, and the interest due from each up to this date.

Resolved—That an Address be presented to His Excellency the Lieutenant Governor, requesting His Excellency to cause to be dismissed from their respective offices all Collectors of Customs and Inspectors in default to the Provincial Revenue who shall not pay the balance due within six months, and to instruct Her Majesty's Attorney-General to institute prosecutions against such defaulters, or against the sureties of those who have deceased, if they are responsible.

13th Resolution.

The fourteenth Resolution was put as follows :—

Resolved—That in the opinion of this House the practical operations in establishing two descriptions of Currency have resulted in great loss to the Revenue and unnecessary embarrassment to the trade of the country, and that in their opinion in future the Receiver General should be permitted to receive and pay out any current paper of the Chartered Banks of Upper and Lower Canada, which he may consider safe and convenient, and upon his own responsibility.

14th Resolution.

In amendment, Mr. Ruttan, seconded by Mr. Gamble, moves, that all after the word "*Resolved*" be expunged, and the following inserted :—

"That inasmuch as the Legislature of this Province has never been consulted as to the appointment of a Receiver General, or as to the securities which it was necessary for that Officer to give, or as to the manner in which his duties should be performed, but that the power of making this appointment has hitherto been always exercised by the Lords Commissioners of Her Majesty's Treasury, to whom alone he is responsible for his acts, and to whom alone this House can look for indemnity for any loss which may be sustained by such acts,—this House will in no wise compromise, by any of its proceedings, the interests involved in those duties by prescribing to the Receiver General any particular line of conduct to be by him pursued in the discharge thereof.

Amendment moved.

On which the Yeas and Nays were taken as follows :—

Division.

Y E A S.

Mr. Ruttan—1.

Yeas—1.

N A Y S.

Messieurs *Aikman*, *Attorney-General*, *Bockus*, *Boulton*, *Burwell*, *Cartwright*, *Chisholm* of *Halton*, *Chisholm* of *Glengarry*, *Ferrie*, *Gamble*, *Kearnes*, *Malloch*, *McDonell* of *Northumberland*, *McDonell* of *Stormont*, *McIntosh*, *McKay*, *Merritt*, *Morris*, *Parke*, *Richardson*, *Robinson*, *Rykert*, *Shade*, *Sherwood*, *Thomson*, *Thorburn*, *Woodruff*—27.

Nays—27.

Amendment lost,
majority 26.

The question of amendment was decided in the negative by a majority of twenty-six.

On adopting resolution :

On the original question, the Yeas and Nays were taken as follows :—

Y E A S.

Yeas—15.

Messieurs *Aikman, Bockus, Cartwright, Ferrie, Kearnes, Malloch, McDonell* of Stormont, *McKay, Merritt, Morris, Parke, Richardson, Rykert, Shade, Sherwood, Thomson, Thorburn, Woodruff*—15.

N A Y S.

Nays—10.

Messieurs *Attorney-General, Boulton, Burwell, Chisholm* of Halton, *Chisholm* of Glengarry, *Gamble, McDonell* of Stormont, *McIntosh, Robinson, Rutan*—10.

Carried, majority 5.

The question was carried in the affirmative by a majority of eight, and the Resolution was adopted.

Speaker reports
Message from Legislative
Council.

Mr. Speaker reported that the Master in Chancery had brought down from the Honourable the Legislative Council two Messages, and a Joint Address to His Excellency the Lieutenant-Governor, and a Bill entitled—

Bill to pardon rebels in
certain cases, sent down
for concurrence.

“ *An Act to enable the Government of this Province to extend a conditional Pardon in certain cases to persons who have been concerned in the late Insurrection,*”—

Which that Honourable House had passed, and requested the concurrence of the House thereto.

The Messages were read by the Speaker, as follows :—

MR. SPEAKER :

London Gaol bill
passed.

The Legislative Council have passed the Bill sent up from the Commons House of Assembly, entitled “ *An Act to provide for the erection of a New Gaol at the Town of London, in the District of London,*” without any amendment.

JOHN B. ROBINSON,
Speaker.

*Legislative Council Chamber, }
22nd day of February, 1838. }*

MR. SPEAKER :

Address to transmit
Address on Colonel
FitzGibbon, sent down
for concurrence.

The Legislative Council have passed the accompanying Address to His Excellency the Lieutenant-Governor, and request the concurrence of the Commons House of Assembly therein.

JOHN B. ROBINSON,
Speaker.

*Legislative Council Chamber, }
22nd day of February, 1838. }*

Address read three times
and passed.

The Address to His Excellency sent down by the Honourable the Legislative Council was read three times and passed, and is as follows :—

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

MAY IT PLEASE YOUR EXCELLENCY :

Address.

We, Her Majesty's dutiful and loyal subjects the Legislative Council and House of Assembly of the Province of Upper Canada, have agreed to an humble Address in behalf of Colonel FitzGibbon, which we respectfully pray Your Excellency will be pleased to transmit to the Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne.

JOHN B. ROBINSON,
Speaker.

*Legislative Council Chamber, }
22nd day of February, 1838. }*

ALLAN N. MACNAB,
Speaker.

*Commons House of Assembly, }
23rd day of February, 1838. }*

The Bill sent down by the Honourable the Legislative Council, entitled
 “An Act to enable the Government of this Province to extend a conditional pardon in certain cases to persons who have been concerned in the late insurrection”—

Bill from Leg. Council to pardon rebels in certain cases, read 2nd time and committed.

Was read twice.

The House was put into a Committee of the whole on the Bill.

Mr. Richardson in the chair.

The House resumed.

The Chairman reported that the Committee had gone through the Bill, and made an amendment thereto, and submitted it for the adoption of the House.

Reported amended.

The Report was received.

Ordered—That the Bill, as amended, be read a third time to-morrow.

3rd reading to-morrow.

On motion of Mr. Merritt, seconded by Mr. McKay,

Ordered—That Messrs. Cartwright and Sherwood be a Committee to draft and report the Bills and Addresses founded on the Resolutions reported by the Finance Committee, and adopted by the House.

Committee to draft Bills and Addresses on resolutions from Finance Com.

Mr. Speaker reported that Mr. Secretary Joseph had brought down from His Excellency the Lieutenant Governor several Messages and documents.

Speaker reports Messages from the Lieutenant Governor.

The Messages were read by the Speaker, as follows:—

F. B. HEAD.

The Lieutenant Governor deems it necessary to draw the attention of the House of Assembly to the inadequate provision made for the Adjutant General of Militia, and recommends to the House to take into consideration the propriety of placing that important office on a footing of greater efficiency than it is at present.

Message respecting the Adj't General of Militia.

Government House, }
 23rd February, 1838. }

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly the report which has been made to him by the Commissioners for the improvement of the navigation of the River Trent, for the past year.

Message with Report of Commissioners for improving River Trent.

Government House, }
 23rd February, 1838. }

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly the report which has been made to him by the Trustees appointed for the macadamizing and improvement of Yonge Street Road for the past year.

Message with Report of Trustees for macadamizing Yonge Street Road.

Government House, }
 23rd February, 1838. }

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly the report which has been made to him by the Trustees appointed for macadamizing and otherwise improving the Western Dundas and Lake Roads, in the Home District, for the past year.

Message with Report of Trustees for improving Dundas Street and Lake Road.

Government House, }
 23rd February, 1838. }

(For Report of Commissioners for improvement of River Trent—Report of Commissioners for improving Yonge Street Road—and Report of Commissioners for improving Western Dundas and Lake Roads—See Appendix.)

On motion of Mr. Boulton, seconded by Mr. Merritt,

Ordered—That a Message be sent to the Honourable the Legislative Council, acquainting that Honourable House that the Reasons reported

Message to Legislative Council ordered, on report of Committee of Conference on Pension Bill.

by the Committee of Conference of the Honourable the Legislative Council in relation to the bill granting pensions to certain persons who were killed during the late Rebellion are satisfactory to this House.

Adjourned.

Saturday, 24th February, 1838.

The House met.

The minutes of yesterday were read.

Pursuant to the order of the day, the bill to restrain private Banking, reported by the Committee on Banking, on the 21st inst., was read the first time.

Bill to restrain Private Banking (reported by Banking Committee) read first time.

2nd reading Monday.

Ordered—That the bill be read a second time on Monday next.

Farmers' Bank Bill, (reported by same Com.) read first time.

Pursuant to the order of the day, the bill to incorporate the Farmers' Banking Company, reported by the same Committee, was read the first time.

2nd reading Monday.

Ordered—That the bill be read a second time on Monday next.

Petitions brought up:

The following petitions were severally brought up and laid on the table:—

John Reid.

By Mr. Aikman, the petition of John Reid, of the Town of Hamilton.

Eastwood & Skinner.

And by Mr. Solicitor-General, the petition of Eastwood and Skinner, Paper Makers, of the City of Toronto.

Petitions read:

Pursuant to the order of the day, the following petitions were read:—

Thomas Dalton.

Of Thomas Dalton, Proprietor of the "Patriot" newspaper, of Toronto, praying that a certain claim made by him in the first Session of the present Parliament, may be allowed.

Sarah Deithman.

And of Sarah Deithman, of the City of Toronto, praying remuneration for the loss of certain property destroyed by incendiaries during the rebellion.

On motion of Mr. Burwell, seconded by Mr. Merritt,

Petition of Hamilton and Maddock referred to Supply to-morrow.

Ordered—That the Committee on Finance be discharged from the further consideration of the petition of John Ford Maddock and George Hamilton, and that the same be referred to a Committee of the whole on Supply to-morrow.

Select Com. on petition of Colonel Chisholm, present report.

Mr. Cartwright, from the Select Committee to which was referred the petition of Colonel Chisholm, presented a Report which was received and read.

(REPORT—See Appendix.)

On motion of Mr. Cartwright, seconded by Mr. Boulton,

Report adopted.

Ordered—That the Report of the Select Committee, to whom was referred the petition of Colonel William Chisholm, of the Gore Militia, be adopted, and that three hundred copies be printed for the use of Members, and that a copy of it be transmitted to His Excellency the Lieutenant Governor of this Province—and Sir John Colborne, Commander of the Forces—Commissary General Routh—and Colonel Foster, Commanding in Upper Canada.

300 copies to be printed.

Copies to be sent to certain Civil and Military Authorities.

Committee to draft Resolutions and Address on State of the Provinces, report draft.

Mr. Sherwood, from the Select Committee to draft and report Resolutions and an Address to Her Majesty, founded on the Report of Select Committee on the State of the Provinces, reported certain Resolutions, and the draft of an Address to Her Majesty.

The Report was received, and the Resolutions were read.

Mr. McKay, seconded by Mr. Merritt, moves, that this House do forthwith resolve itself into a committee of the whole upon the Resolutions on the Union and State of the Provinces.

House goes into Committee on Resolutions and Address.

Which was carried, and the House was put into a committee of the whole on the same accordingly.

Mr. Morris in the chair.

The House resumed.

The chairman reported that the Committee had adopted the Resolutions and the Address, and submitted them for the adoption of the House.

Reported adopted.

The Report was received.

The eight first Resolutions were severally put and carried as follows:—

Resolved—That it is the duty of this House to take into their most serious consideration the causes which gave rise to the late Rebellion, together with the present state and condition of the Provinces of Upper and Lower Canada, with the view of addressing Her Majesty's Government thereon, and pointing out what, in their judgment, will avert a similar occurrence in future, and restore the inhabitants of these Provinces to that state of peace, happiness, and prosperity which they are most justly entitled to enjoy, as well from their devoted loyalty to Her Majesty's Crown and Government, as from the peculiar advantages which the said Provinces possess in soil, climate, and situation.

1st Resolution.

Resolved—That in the opinion of this House the chief causes of the evils under which these Provinces have suffered, may be traced to their unwise division into separate and distinct Colonies in 1791, when, with a limited population, a line was drawn a few miles above the navigable waters of the St. Lawrence, and all the wealth, and the means of acquiring wealth were given to, and placed at the controul of the *French*, and a mere wilderness allotted to the *English* portion of that population.

2nd Resolution.

Resolved—That the result of this injudicious division, together with the impolitic course pursued by the British Government in relation to this country, has been to foster and maintain the French population, perpetuate their language, establish a strong national feeling, encourage a decided hostility to British interests and institutions, and thus create and maintain a national character of French origin.

3rd Resolution.

Resolved—That by this division a large proportion of the Revenue arising from our industry, and our commerce, has always been most unequally and unjustly placed under the controul of the French Legislature of Lower Canada, although four-fifths of the Revenue is derived from the growth and productions of Upper Canada; thereby supporting the Government of the sister Province without any taxation, encouraging inactivity, an anti-commercial feeling, and paralysing their energies, as proved by their having undertaken but a few public improvements.

4th Resolution.

Resolved—That although the Legislature of Lower Canada have hitherto had so large a proportion of this Revenue at their disposal, it has not been appropriated in any manner to the advantage of the inhabitants of Upper Canada, or for the joint interests of the two Provinces.

5th Resolution.

Resolved—That our imports and exports must inevitably pass through that portion of Lower Canada which lies between us and the sea; nor would the completion of a canal in that Province in connection with the one now nearly constructed in Upper Canada, out of the revenues of the Lower Province, remove the difficulties under which we labour; as the interest of the money expended and the tolls levied, would in the end be imposed on our exports and imports, which alone would be transmitted by that canal.

6th Resolution.

Resolved—That so long as this division line exists, it will be impossible for the Legislature of this Province to place their revenue or regulate their commerce on a permanent basis, inasmuch as the Legislature of one Province may impose one rate of duty on any one article from the United States, and the Legislature of the other Province impose a higher or less duty on the same article imported; thus introducing greater or less quantities of the same article for the general consumption, and rendering it impossible for the Legislature of either Province to estimate on any correct data the probable amount they may receive for any given time.

7th Resolution.

Resolved—That it is in vain for the Legislature of this Province to attempt to collect any revenue from Foreign Commerce, to pay the interest on the debt they have contracted for the various public improvements, so long as another Legislature with separate interests controuls our sea ports.

8th Resolution.

The ninth resolution was put and lost.

9th Resolution lost.

The tenth resolution was put as follows:—

Resolved—That the practical benefits or disadvantages of a union, or the control of a sea port under the jurisdiction of the same Legislature, may be more strikingly illustrated by a comparison between the State of New York and the Provinces of Upper and Lower Canada lying side by side on the opposite banks of the St. Lawrence and the shores of Lake Erie and Ontario. In 1815 the trade and commerce of the entire country bordering on those great Lakes, passed down their natural outlet, the St. Lawrence: in 1824 this trade, as well as that on the shores of Lake

10th Resolution.

Champlain, was diverted to the Hudson by the construction of a canal by the Legislature of the State of New York, without the collection of one farthing of duty from foreign commerce. On the other hand, it is notorious that the Legislatures of the Provinces of Upper and Lower Canada have not to the present moment adopted any measure in concert to restore this commerce to its natural and original destination, although they have had for many years at their disposal a revenue derived from foreign imports to the amount of at least £100,000 per annum.

Division.

On which the Yeas and Nays were taken, as follows :—

Y E A S.

Yeas—31.

Messieurs *Aikman, Armstrong, Attorney-General, Bockus, Boulton, Burwell, Cartwright, Chisholm* of Halton, *Duncombe, Dunlop, Ferrie, Gamble, Kearnes, Manahan, Marks, McDonell* of Northumberland, *McDonell* of Stormont, *McKay, McLean, Merritt, Murney, Morris, Richardson, Robinson, Ruttan, Rykert, Shade, Shaver, Sherwood, Solicitor-General, Thomson*—31.

N A Y S.

Nays—2.

Messieurs *Chisholm* of Glengarry, *Cook*—2.

Carried, majority 29.

The question was carried in the affirmative by a majority of twenty-nine, and the resolution was adopted.

The eleventh resolution was put, as follows :—

11th Resolution.

Resolved—That a great saving would be effected in the Governments of the two countries by uniting their Legislatures, and additional facilities afforded in accomplishing any measure by a direct communication with the Home Government, in place of waiting years to obtain the sanction of two Legislative bodies actuated by different views, feelings, and separate interests.

Division.

On which the Yeas and Nays were taken, as follows :—

Y E A S.

Yeas—29.

Messieurs *Aikman, Armstrong, Attorney-General, Bockus, Burwell, Cartwright, Chisholm* of Halton, *Chisholm* of Glengarry, *Duncombe, Dunlop, Ferrie, Gamble, Kearnes, Manahan, Marks, McDonell* of Northumberland, *McDonell* of Stormont, *McKay, McLean, Merritt, Murney, Morris, Richardson, Ruttan, Rykert, Shade, Shaver, Sherwood, Thomson*—29.

N A Y S.

Nays—4.

Messieurs *Boulton, Cook, Robinson, Solicitor-General*—4.

Carried, majority 25.

The question was carried in the affirmative by a majority of twenty-five, and the Resolution was adopted.

The twelfth Resolution was put and carried as follows :—

12th Resolution.

Resolved—That the Currency of the two Provinces—the Management of the Post-Offices—together with every internal regulation—can never be placed on a permanent and beneficial footing so long as this separate interest prevails.

The thirteenth Resolution was put, as follows :—

13th Resolution.

Resolved—That although this House entertain the sentiments expressed in the foregoing Resolutions—and feel that they will gather strength from year to year—so strong is their apprehension that a union of those Provinces would prove injurious to their best interests, unless a decided majority in the Legislature is allotted to this Province, as recommended in the Report of the Select Committee of this House during the present Session on the political state of the Provinces,—they desire an United Legislature only on the following terms and conditions.

1st. That the principles of our Constitution be maintained inviolate; each branch of the Legislature to be constituted on the principles originally intended by the Act of the Imperial Parliament; that all future appointments in the Legislative Council be made in such manner from the different Districts as best to secure the Agricultural, Commercial, and other interests of the Province.

2nd. That the Casual, Territorial, and every branch of the Revenue, be placed under the control of the Legislature upon the same principles as Her Majesty's Government has been pleased to concede them to the Provinces of New Brunswick and Nova Scotia, which concession has given the greatest satisfaction to Her Majesty's subjects within this Province, as it holds out an evidence of what we may anticipate from the same liberal policy.

3rd. That the seat of Government be established within the boundary of Upper Canada.

4th. That, in order to give full scope to British enterprise, the English language should be established in the Legislature, in Courts of Justice, and in all legal proceedings, which in a few

years would produce the beneficial result of converting a Canadian Province into one truly British; and thus draw still closer the ties which bind that section of the Canadas to the British Crown.

5th. That, for the encouragement of enterprise, the introduction of British and Foreign Capital, and the security of property, the abolition of the Feudal Tenures, and the establishment of Register Offices, are indispensable.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Aikman, Attorney-General, Bockus, Boulton, Burwell, Cartwright, Chisholm of Halton, Dunlop, Ferrie, Gamble, Kearnes, Manahan, Marks, McDonell of Northumberland, McDonell of Stormont, McKay, McLean, Merritt, Murney, Morris, Richardson, Ruttan, Rykert, Shade, Shaver, Sherwood, Solicitor-General, Thomson*—29.

N A Y S.

Messieurs *Chisholm of Glengarry, Cook, Duncombe, McIntosh, Robinson*—5.

The question was carried in the affirmative by a majority of twenty-four, and the Resolution was adopted. Carried, majority 24.

The fourteenth Resolution was put and carried as follows:—

Resolved—That an humble Address be presented to Her Majesty accompanied with the foregoing Resolutions, together with a Report adopted by this House on the political state of the Provinces of Upper and Lower Canada, having reference to the same subject, and earnestly praying Her Majesty graciously to be pleased to take such steps as shall in Her Majesty's wisdom be deemed necessary to carry out the views of Her Majesty's faithful Subjects, and thereby permanently secure these Provinces, and the other North American Colonies as dependencies of the British Crown. 14th Resolution.

The Address to Her Majesty was read twice, and ordered to be engrossed and read a third time this day. Address read twice.
3rd reading to-day.

At five o'clock the House adjourned for two hours.

The House met again pursuant to adjournment.

The Master in Chancery brought down from the Honourable the Legislative Council several Messages, and having delivered the same at the Clerk's table, retired. Messages from Legislative Council.

The Messages were read by the Speaker, as follows:—

MR. SPEAKER:

The Legislative Council has passed the Bill sent up from the Commons House of Assembly, entitled "*An Act to provide a Pension to the Widows of the late Captains James MacNab and William Church*"—without any amendment. McNab and Church's pension bill passed.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber,
Twenty-third day of February, 1838. }

MR. SPEAKER:

The Legislative Council have appointed the Honourable Messieurs Baldwin and Hamilton to be a Committee on their part, who will be ready to meet a Committee on the part of the Commons House of Assembly on Tuesday next, at the hour of two of the clock, P. M., to wait upon His Excellency the Lieutenant Governor, to know when His Excellency would be pleased to receive the Joint Address to Her Majesty on behalf of Colonel FitzGibbon, and to present the same. Joint Committee to carry up Address on Colonel FitzGibbon.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber,
Twenty-fourth day of February, 1838. }

MR. SPEAKER:

The Legislative Council request a conference with the Commons House of Assembly on the subject matter of the Bill entitled, "*An Act to raise a sum of money to macadamize the main road leading from the macadamized road at Hamilton, in the Gore District, to the West boundary line of the Township of Grimsby, in the Niagara District, and for other purposes*" Conference requested on various macadamized road bills.

therein mentioned,"—also the bill entitled, "*An Act to authorise the construction of a Turnpike Road in the County of Kent*,"—also, the bill entitled, "*An Act to raise a sum of money to prepare the road for macadamizing between Canborough and Simcoe in the Niagara and Talbot Districts, and for other purposes therein mentioned*,"—and also the bill entitled, "*An Act to raise a sum of money to macadamize the swamp road leading from the Ten-Mile-Creek, in the township of Grantham, to the town of Niagara, and for other purposes therein mentioned*"—and have appointed the Honourable Messrs. Hamilton and Crooks to be the conferees on the part of this House, who will be ready to meet a committee on the part of the Commons House of Assembly, on Monday next, at the hour of three of the clock, P. M., in the Committee Room of the Legislative Council, for that purpose.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Twenty-fourth day of February, 1838. }

On motion of Mr. Robinson, seconded by Mr. Burwell,

Ordered—That the Message of His Excellency the Lieutenant Governor, on the subject of the Adjutant General of Militia, and the Documents accompanying the same, be referred to a Committee of the whole House on Supply on Monday next, and that it be the first item on the order of that day.

Message and Documents on Adj't General's salary, referred to Committee of Supply.

On motion of Mr. Ruttan seconded by Mr. Boulton,

Ordered—That the Report and Resolution of the Select Committee, upon the subject of the petition of Colonel Thomas Ward, be referred to a Committee of the whole on Supply on Monday next.

Report on petition of Colonel Thomas Ward, referred to Supply to-morrow.

On motion of Mr. Robinson, seconded by Mr. Gamble,

Ordered—That the Report of the Select Committee, on the petition of Thomas Phillips, and others, be referred to a committee of Supply on to-morrow.

Report on petition of Thomas Phillips, referred to Supply to-morrow.

Notice of Com. of whole on sending Commissioners to England on state of the Provinces.

Mr. McKay gives notice that on Monday next he will move that this House do resolve itself into a committee of the whole, for the purpose of appointing one or two Commissioners to proceed to England, to carry into effect the Resolutions, Address, and Report, on the State of the Provinces—and that it be the second item on the order of the day.

Select Com. on petition of Mrs Washburn, and various other petitions, present report.

Mr. Boulton, from the Select Committee to which was referred the several petitions of Mrs. Washburn—William Burrows—Powell, Cairnes & Bailey—Claghorn and Blain—Thomas Collins—McNeeson and Collins—James Robinson—John Linfoot—and Edgeworth Usher—presented a Report, which was received and read.

(REPORT—See Appendix.)

On motion of Mr. Boulton, seconded by Mr. Ruttan,

Ordered—That the Report of the Select Committee on the petition of Mrs. Washburn, as also on several other petitions referred to the same Committee, be referred to the Committee of Supply on Monday next.

Report on petition of Mrs Washburn, &c. &c. referred to Supply on Monday.

Committee to draft Bills, &c on Supply resolutions of yesterday, report drafts of several Addresses and Bills.

Mr. Merritt, from the Committee to draft Addresses and Bills pursuant to the resolutions of yesterday, reported the drafts of several Addresses and Bills.

The Report was received.

Address on Loan read twice.

The Address to Her Majesty relative to negotiating a loan of £1,000,000 Sterling, was read twice, and ordered to be engrossed and read a third time this day.

3rd reading to-day.

Address on Trade read twice.
3rd reading to-day.

The Address to Her Majesty on Trade was read twice, and ordered to be engrossed and read a third time this day.

Address on Post Office read twice.
3rd reading to-day.

The Address to Her Majesty on the Post Office Department was read twice, and ordered to be engrossed and read a third time this day.

The bill to authorise the negotiation of a loan in England was read the first time. Bill to negotiate loan read first time.

On the question for the second reading of the bill on Monday next,

In amendment, Mr. Merritt, seconded by Mr. Rykert, moves that the bill to negotiate a loan in England at the rate of three per cent, be read a second time this day, and that the 40th rule of this House be dispensed with as regards the same.

Which was carried, and the bill was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Boulton in the Chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House. Bill read second time and committed.

The Report was received.

Ordered—That the bill be engrossed, and read a third time on Monday next. Reported amended.

The bill to withhold further advances on public works in arrear, was read the first time. 3rd reading Monday.

On the question for the second reading of the bill on Monday next,

In amendment, Mr. Merritt, seconded by Mr. McKay, moves that the bill to withhold future advances on works in arrear, be read a second time this day, and that the 40th rule of this House be dispensed with as regards the same. Bill to withhold advances on works in arrear read first time.

Which was carried, and the bill was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. McLean in the Chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House. Bill read second time and committed.

The Report was received.

Ordered—That the Bill be engrossed, and read a third time on Monday next. Reported amended.

The Address to Her Majesty respecting Messrs. Glynn & Co. was read twice, and ordered to be engrossed and read a third time this day. 3rd reading Monday.

The Address to Her Majesty respecting the levying of an additional duty on imports at Quebec was read twice, and ordered to be engrossed and read a third time this day. Address on Glynn & Co. read twice. 3rd reading to-day.

The Address to Her Majesty respecting certain appropriations from the Casual and Territorial Revenue was read twice, and ordered to be engrossed and read a third time this day. Address on additional Duty at Quebec read twice. 3rd reading to-day.

The Address to Her Majesty praying Her Majesty to invest certain moneys in the Provincial Debentures was read twice, and ordered to be engrossed, and read a third time this day. Address on appropriations from Casual and Territorial Revenue read twice. 3rd reading to-day.

The Address to His Excellency to remove Collectors in default, was read twice, and ordered to be engrossed and read a third time this day. Address on investing certain money in Debentures read twice. 3rd reading to-day.

Mr. Cartwright, from the Committee to wait on His Excellency the Lieutenant-Governor with the Address of this House requesting His Excellency to advance the remaining moiety of the aid to the U. C. Academy, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:— Address to remove Collectors in default read twice. 3rd reading to-day.

Committee to carry up Address to advance remainder of aid to U. C. Academy report answer.

Answer.

GENTLEMEN,—

It will afford me great pleasure to give immediate effect to the wish expressed by the House of Assembly in this Address, by authorising the issue of the remaining moiety of the sum appropriated by Her Majesty's Government in aid of the Cobourg Academy.

Committee to draft Bill on Resolution granting Pensions to Widows & Children of Militiamen (2nd) report draft.

Mr. Bockus, from the Committee to draft and report a Bill pursuant to the Resolution of this House granting Pensions to the Widows and Orphans of Militiamen killed in defence of the Province, reported a draft, which was received and read the first time.

Bill read first time.

On the question for the second reading of the bill on Monday next,

In amendment, Mr. Bockus, seconded by Mr. Cook, moves that the Bill be read a second time forthwith, and that the 40th rule of this House be dispensed with so far as relates to the same.

Bill read 2nd time and committed.

Which was carried, and the Bill was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Sherwood in the chair.

The House resumed.

Reported amended.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

The Report was received.

3rd reading Monday.

Ordered—That the Bill be engrossed and read a third time on Monday next.

Com. on Roads & Bridges report bill to amend Road Act of last session.

Mr. Thorburn, from the Committee on Roads and Bridges, reported the draft of a Bill to amend the Road Appropriation Act of last Session.

Bill read first time.

The Report was received, and the bill was read the first time.

On the question for the second reading of the Bill on Monday next,

In amendment, Mr. Thorburn, seconded by Mr. Shaver, moves that the Bill on the subject of Roads and Bridges be read a second time forthwith, and that the 40th Rule of this House be dispensed with so far as relates to the same.

Motion to read Bill 2nd time.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—17.

Messieurs *Cartwright, Chisholm* of Halton, *Chisholm* of Glengarry, *Cook, Ferrie, McDonell* of Northumberland, *McDonell* of Stormont, *Merritt, Murney, Richardson, Ruttan, Rykert, Shade, Shaver, Thorburn, Woodruff*—17.

N A Y S.

Nays—7.

Messieurs *Bockus, Boulton, Kearnes, McLean, Morris, Robinson, Sherwood*—7.

Carried, majority 10.

The question was carried in the affirmative by a majority of ten, and the Bill was read the second time.

Read 2nd time and committed.

The House was put into a committee of the whole on the Bill.

Mr. McKay in the chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again on Monday next.

The Report was received, and leave granted accordingly.

Bill to authorise Mr. Prince to act as Barrister & Attorney brought in.

Pursuant to notice, Mr. Sherwood, seconded by Mr. Boulton, moves for leave to bring in a Bill to authorise John Prince, Esquire, to practise as a Barrister and Attorney within this Province.

Which was granted and the Bill was read the first time.

On the question for the second reading of the Bill on Monday next,

In amendment, Mr. Sherwood, seconded by Mr. Rykert, moves, that the Bill be not read a second time on Monday next, but that it be read a second time this day, and that the 40th Rule of this House be dispensed with so far as relates to the same.

Bill read second time and committed.

Which was carried, and the Bill was read the second time.

The House was put into a Committee of the whole on the bill.

Mr. Richardson in the Chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

Reported amended.

The Report was received.

Ordered—That the Bill be engrossed and read a third time on Monday next.

3rd reading Monday.

Mr. Boulton, seconded by Mr. Sherwood, moves for leave to bring in a Bill to alter the mode of payment of wages to Members of the House of Assembly, and that the 31st Rule of this House be dispensed with so far as relates to the same.

Bill to alter mode of paying Members' wages, brought in.

Which was granted, and the Bill was read the first time.

Bill read first time.

On the question for the second reading of the Bill on Monday next,

In amendment, Mr. Boulton, seconded by Mr. Cartwright, moves, that the Bill to alter the mode of payment of wages to Members of the House of Assembly, be read a second time this day, and that the 40th Rule of this House be dispensed with so far as relates to the same.

Which was carried, and the Bill was read the second time.

Bill read second time and committed.

The House was put into a committee of the whole on the Bill.

Mr. Cartwright in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The Report was received.

Ordered—That the Bill be engrossed and read a third time on Monday next.

3rd reading Monday.

Pursuant to the order of the day, the Bill granting a retired allowance to Colonel Coffin, as Adjutant General of Militia, was read the second time.

Col. Coffin's salary Bill read second time and committed.

The House was put into a committee of the whole on the Bill.

Mr. Bockus in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The Report was received.

Ordered—That the Bill be engrossed and read a third time on Monday next.

3rd reading Monday.

On motion of Mr. Aikman, seconded by Mr. Merritt,

Ordered—That Messrs. Rykert, Richardson, Thomson, and Chisholm of Halton, be a Committee to meet the Committee of conference of the Honourable the Legislative Council, on the several Bills sent up from the House of Assembly, relating to the Macadamizing certain roads in this Province, and for other purposes therein mentioned.

Committee to meet Com. of Conference on macadamized road bills.

Mr. Merritt, seconded by Mr. Aikman, moves for leave to bring in a Bill to extend the time for completing certain works and improvements within this Province, and that the 31st Rule of this House be dispensed with so far as relates to the same.

Bill to extend time for completing public works brought in.

Bill read first time.

Which was granted, and the Bill was read the first time

On the question for the second reading of the Bill on Monday next,

In amendment, Mr. Merritt, seconded by Mr. Boulton, moves that the Bill to extend the Charters of certain Companies for the construction of various Improvements, be read a second time this day, and that the 40th Rule of this House be dispensed with as far as relates to the same.

Bill read second time and committed

Which was carried; and the Bill was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Ferrie in the chair.

The House resumed.

Reported amended.

The Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House.

The Report was received.

3rd reading Monday.

Ordered—That the Bill be engrossed and read a third time on Monday next.

Hamilton Market House Loan Bill, read 2nd time and committed.

Pursuant to the order of the day, the Bill to authorise the Hamilton Board of Police to raise a sum of money to complete the Market-House was read the second time.

P R E S E N T.

No Quorum.

Messieurs *Aikman, Bockus, Chisholm* of Halton, *Chisholm* of Glengarry, *Cook, Ferrie, Kearnes, Malloch, McDonell* of Northumberland, *McIntosh, McLean, Merritt, Morris, Robinson, Ruttan, Shade, Shaver, Sherwood, Thomson*—19.

At $\frac{1}{4}$ before 11 o'clock, P. M., the Speaker declared the House adjourned for want of a quorum.

Monday, 26th February, 1838.

The House met.

The minutes of Saturday were read.

Hamilton Market House Loan Bill, again committed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill to authorise the Hamilton Board of Police to borrow a sum of money to complete the Market House therein.

Mr. Robinson in the chair.

The House resumed.

Reported amended.

The chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House.

The Report was received.

On the question for the third reading of the Bill to-morrow,

3rd reading to-day.

In amendment, Mr. Ferrie, seconded by Mr. Aikman, moves, that the Hamilton Market House Bill be not read a third time to-morrow, but that it be engrossed and read a third time this day, and that the 41st Rule of this House be dispensed with so far as relates to the same.

Which was carried and ordered.

Petitions brought up:

The following petitions were severally brought up and laid on the table :—

Mary Nicholson.

By Mr. Solicitor-General, the petition of Mary Nicholson, of the City of Toronto.

James Cull

By Mr. Malloch, the petition of James Cull, of the City of Toronto.

By Mr. Solicitor-General, the petition of Harvey Fowler.

Harvey Fowler.

By Mr. Kearnes, the petition of Ellinor Davis, of the City of Toronto.

Ellinor Davis.

And by Mr. Aikman, the petition of the Trustees for Macadamizing the Hamilton and Brantford Road.

Trustees Hamilton and Brantford Road.

Pursuant to the order of the day, the Bill sent down by the Honourable the Legislative Council, entitled,—

Bill to pardon rebels in certain cases, (L. C.) read 3rd time and passed.

“ *An Act to enable the Government of this Province to extend a conditional pardon in certain cases to persons who have been concerned in the late Insurrection*”—

As amended by this House, was read the third time and passed.

Messrs. Robinson and Boulton were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

On the order of the day for the third reading of the Address to Her Majesty, on the Union of the Provinces, being called,

On order of day for 3rd reading of Address on Union being called.

In amendment, Mr. Morris, seconded by Mr. Bockus, moves that the Address be not now read a third time, but that it be forthwith referred to the consideration of a Committee of the whole House, to consider how far it is expedient to transmit to Her Majesty such parts of the Report of the Select Committee on the political state of the Provinces, as reflect on the administration of Sir John Colborne, (see printed Report, p. 24,) and on the evidence of certain witnesses examined by the Select Committee of the House of Commons on the Civil Government of Canada in the year 1828, in the following objectionable language:—“ The evil of the course pursued is apparent from the fact that a Report was drawn up upon *ex parte* statements, and (in some cases) gross misrepresentations, and contains recommendations and opinions destructive of the just and constitutional authority of the Crown, and the maintenance of an efficient administration of Government.”

Amendment moved.

On which the Yeas and Nays were taken, as follows:—

Division.

Y E A S.

Messieurs *Armstrong, Bockus, Cook, McDonell* of Northumberland, *McDonell* of Stormont, *Morris, Parke, Rykert, Shaver, Thomson, Thorburn, Woodruff*—13.

Yeas—13.

N A Y S.

Messieurs *Aikman, Boulton, Burwell, Cartwright, Chisholm* of Halton, *Dunlop, Ferrie, Gamble, Malloch, Marks, McLean, Merritt, Richardson, Robinson, Ruttan, Shade, Sherwood*—17.

Nays—17.

The question of amendment was decided in the negative by a majority of four.

Amendment lost, majority 4.

In amendment Mr. Bockus, seconded by Mr. Thorburn, moves, that the Address be not now read a third time, but that it be forthwith referred to the consideration of a Committee of the whole House, to consider how far it is expedient to transmit to Her Majesty such parts of the Report of the Select Committee on the political state of the Provinces as relate to the opinion therein expressed with regard to the *only* grounds on which that Report recommends a union of the Provinces of Upper and Lower Canada.

Another amendment moved.

On which the Yeas and Nays were taken, as follows:—

Division.

Y E A S.

Messieurs *Armstrong, Bockus, McDonell* of Stormont, *McIntosh, McLean, Morris, Parke, Robinson, Shaver, Thorburn, Woodruff*—11.

Yeas—11.

N A Y S.

Messieurs *Aikman, Boulton, Burwell, Cartwright, Chisholm* of Halton, *Cook, Dunlop, Ferrie, Gamble, Kearnes, Malloch, Marks, McDonell* of Northumberland, *McKay, Merritt, Murney, Richardson, Ruttan, Rykert, Shade, Sherwood, Solicitor-General*—22.

Nays—22.

Amendment lost,
majority 11.
Address read third time.

The question of amendment was decided in the negative by a majority of eleven, and the Address was read the third time.

Amendment moved.

On the question for passing the Address,

In amendment, Mr. Robinson, seconded by Mr. McIntosh, moves, that all after the word "Sovereign" be expunged, and the following inserted:—

"That in the present unsettled state of Lower Canada, it is imprudent and unwise to discuss the terms on which an union with Lower Canada should be effected, even if that measure is considered advantageous to the best interests of both Provinces. Resolved, therefore, that an humble Address be presented to Her Majesty, requesting that Her Majesty will be pleased to consider the different propositions contained in the Report of the House on the state of the Provinces, (which is hereby transmitted to Her Majesty,) and adopt such measures as to Her Majesty may seem most likely to conduce to the welfare and happiness of Her loyal Subjects in the Provinces of Upper and Lower Canada, and to perpetuate their connexion with Great Britain."

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—11.

Messieurs *Armstrong, Boulton, Cook, Gamble, McIntosh, Murney, Parke, Robinson, Sherwood, Solicitor-General, Woodruff*—11.

N A Y S.

Nays—22.

Messieurs *Aikman, Bockus, Burwell, Chisholm of Halton, Duncombe, Dunlop, Ferrie, Kearnes, Marks, McCrae, McDonell of Northumberland, McDonell of Stormont, McKay, McLean, Merritt, Richardson, Ruttan, Rykert, Shade, Shaver, Thomson, Thorburn*—22.

Amendment lost,
majority 11.

The question of amendment was decided in the negative by a majority of eleven.

On passing Address,

On the question for passing the Address, the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—24.

Messieurs *Aikman, Bockus, Boulton, Burwell, Cartwright, Chisholm of Halton, Ferrie, Kearnes, Malloch, Marks, McCrae, McDonell of Northumberland, McDonell of Stormont, McKay, McLean, Merritt, Murney, Richardson, Ruttan, Rykert, Shade, Sherwood, Solicitor-General, Thomson*—24.

N A Y S.

Nays—9.

Messieurs *Armstrong, Cook, Gamble, McIntosh, Parke, Robinson, Shaver, Thorburn, Woodruff*—9.

Carried, majority 15.

The question was carried in the affirmative by a majority of fifteen, and the Address was passed, and is as follows:—

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

Address

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, most humbly beg leave to transmit to Your Majesty, sundry Resolutions adopted by this House, on the subject of an Union of the Provinces of Upper and Lower Canada; together with a Report of a Select Committee on the political state of the Provinces, adopted by this House. And we do most humbly and earnestly beseech Your Majesty most graciously to be pleased to take such steps as shall in Your Majesty's wisdom be deemed necessary to carry out the views of Your Majesty's faithful subjects, and thereby permanently secure these Provinces and the British North American Colonies as dependencies of the British Crown.

ALLAN N. MACNAB,

Speaker.

*Commons House of Assembly, }
26th day of February, 1838. }*

Motion to send Address
to Legislative Council.

Mr. Robinson, seconded by Mr. Cook, moves that the Address be sent to the Honourable the Legislative Council, for their concurrence.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs Cook, McIntosh, Robinson—3.

Yeas—3.

N A Y S.

Messieurs Aikman, Bockus, Boulton, Burwell, Cartwright, Chisholm of Halton, Duncombe, Dunlop, Ferrie, Gamble, Kearnes, Malloch, Marks, McCrae, McDonell of Northumberland, McDonell of Stormont, McKay, McLean, Merritt, Parke, Richardson, Ruttan, Rykert, Shade, Shaver, Sherwood, Solicitor-General, Thomson, Thorburn, Woodruff—30.

Nays—30.

The question was decided in the negative by a majority of twenty-seven.

Lost, majority 27.

Pursuant to the order of the day, the Address to Her Majesty on negotiating a loan of £1,000,000 sterling, was read the third time, and passed, and is as follows:—

Address on Loan read third time and passed.

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly represent that Your Majesty's Principal Secretary of State for the Colonies has, in a Despatch dated 4th August, 1837, recommended that the power of superintending the financial interests of Upper Canada should be placed in the Local and Imperial Governments. We do most gratefully acknowledge this renewed instance of Your Majesty's watchful care over the interests of this Province, and gladly avail ourselves of the suggestions contained in said Despatch.

Address.

We beg leave humbly to represent to Your Majesty, that the Legislature during its present Session has passed an Act authorising the raising by debentures the sum of one million pounds, in 3 per cent. Stocks.

We therefore humbly beseech Your Majesty to be pleased to recommend to Your Imperial Parliament to pass a law to guarantee the interest thereon, on securing and providing the means of paying the interest on said Debentures by an Act imposing an additional duty of 2½ per cent on all articles imported at the port of Quebec, pursuant to an Address passed this House during the present Session for that purpose.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly, }
26th day of February, 1838. }

Pursuant to the order of the day, the Address to Her Majesty praying for the levying an additional duty on imports at the Port of Quebec, was read the third time and passed, and is as follows:—

Address on additional Duty at Quebec, read third time and passed.

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly represent to Your Majesty that the inhabitants of this Province have lately undertaken great public improvements for the purpose of developing the resources of the country, and facilitating the transports of their products to the seaports of Lower Canada, which cannot fail of promoting the shipping interest of the United Kingdom, and greatly benefitting the trade and commerce of Lower Canada.

Address.

That in consequence of the geographical situation of Upper Canada, which by the division line is excluded from all communication with the sea, this Province does not reap those advantages from the public works which would be otherwise derived had the inhabitants of Upper Canada the control of a sea-port;—that in consequence of both Montreal and Quebec being within the limits of Lower Canada, a great portion of these advantages is gained by our sister Province, whilst the whole burthen is sustained by the Upper Province—having incurred debts to the extent of nearly a million sterling in constructing these works—no portion whatever being contributed by Lower Canada.

That Your Majesty be graciously pleased to recommend to your Imperial Parliament to pass an Act authorising the levying an additional duty of 2½ per cent. *ad valorem*, on all articles imported into the ports of Lower Canada, which shall be applied exclusively to the payment of the interest of the debt contracted by this Province in the construction of these great works of internal improvement. And we would further represent to Your Majesty, that no injustice would be done to the people of Lower Canada by this additional impost, inasmuch as the commercial prosperity of that Province depends greatly on the trade of Upper Canada, as the majority of the twelve hundred vessels which annually arrive at the ports of Quebec and Montreal are laden with produce the growth and manufacture of Upper Canada, particularly lumber, wheat, and ashes.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly, }
26th day of February, 1838. }

Address on Post Office
read 3rd time and passed.

Pursuant to the order of the day, the Address to Her Majesty on the subject of the Post Office Department was read the third time and passed, and is as follows:—

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

Address.

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to approach Your Majesty, and submit to Your Majesty's consideration, that during the last session of the Legislature of this Province, a bill was passed authorising the Members of the Legislative Council and of the House of Assembly thereof, to frank letters by the General Post during their Sessions, to commence on 1st January, 1838, under certain restrictions therein mentioned.

Your Majesty's faithful Commons further beg leave to state, that the said Bill has been disallowed by Your Majesty's Government, because it was not in conformity with a Bill passed by your Imperial Parliament on the 26th March, 1834, entitled "An Act to repeal at the period within mentioned so much of an Act passed in the fifth year of the reign of His late Majesty King George the Third, entitled 'An Act to alter certain rates of Postage, and to amend, explain, and enlarge several provisions in an Act made in the 9th year of the reign of Queen Anne; and in other Acts relating to the Revenue of the Post Office, as authorises the taking of certain rates of inland Postage within His Majesty's dominions in North America,'" in which bill, amongst other things, it is enacted by the second clause, "that from and after His Majesty's consent shall be signified to such Bills or Acts of Colonial or Provincial Legislatures as hereinbefore mentioned, all the revenue which may arise from the collection of the rates of inland Postage within the said respective Colonies or Possessions, after deducting the expenses of collection and of the establishment and management of the Post Office within and throughout the said respective Colonies or Provinces, (under the directions of His Majesty's Postmaster General or his deputies,) shall and may, instead of being remitted, as heretofore, to the General Post Office in London, as part of the general revenue of the Post Office, be appropriated, applied, and distributed to and among the said respective Colonies and Provinces, in proportion to the gross amount of the rates and duties of Postage, which shall be raised, collected, and received within each and every such respective Colonies and Provinces, unless and until the said Colonies or Provinces shall by Bills or Acts of their Legislatures, to which His Majesty's consent shall in the usual form be signified, unite and agree in directing any other mode in which such surplus shall be applied and disposed of."

That the state of the Legislature of the Province of Lower Canada has been such as to preclude any joint legislative enactments with the other Colonies and Provinces of British North America; which renders it impossible to carry into effect that part of the said Act which requires that the net produce of the Post-Office shall be distributed in certain proportions to each Colony.

That the financial affairs of this Province render it necessary that we should possess all the means that may be legally disposable for its relief. We, Your Majesty's faithful Commons do therefore humbly pray, that Your Majesty will be graciously pleased to recommend to your Imperial Parliament the passing of an Act providing that the surplus revenue growing out of the profits of the Post Office Department in this Province be paid into the hands of Your Majesty's Receiver General for Upper Canada, to be applied to such purposes, and to be accounted for in such manner, as the Legislature of this Province shall direct.

ALLAN N. MACNAB,

Speaker.

*Commons House of Assembly, }
26th February, 1838.*

On motion of Mr. Merritt, seconded by Mr. Sherwood,

Ordered—That the Addresses to Her Majesty on the subjects of imposing an additional duty of 2½ per cent on all articles imported at the Port of Quebec; the raising of one million of pounds by debenture; and on the subject of the Post Office Department; be sent to the Honourable the Legislative Council, and request the concurrence of that Honourable House to the same.

Addresses on additional
duty at Quebec, on Loan,
and on Post Office, sent
to Legislative Council.

Pursuant to the order of the day, the Address to Her Majesty relative to Messrs. Glynn, Halifax, and Co., was read the third time.

Address on Glynn & Co.
read 3rd time

On the question for passing the Address,

In amendment Mr. Attorney-General, seconded by Mr. Solicitor-General, moves that the Address do not now pass, but that it be amended by striking out all the words after the word "discharged," and inserting the following: "And also to request that House to transfer the assignment of the debt due by Thomas Wilson and Company on account of the Provincial Debentures heretofore sold to them, to the Lords Commissioners of Her

Amendment moved.

Majesty's Treasury for the public uses of this Province, and that Her Majesty will put in force the most prompt and energetic measures for securing that debt.

Which was carried.

Carried.

Mr. Speaker reported that the Master in Chancery had brought down from the Honourable the Legislative Council two Messages, and the bill entitled,

Message from Legislative Council.

"An Act granting a pension to Sheppard McCormick, Esquire,"

McCormick's pension bill sent down amended.

to which that Honourable House had made some amendments, and requested the concurrence of this House thereto.

The Message was read by the Speaker as follows:—

Messages.

MR. SPEAKER:

The Legislative Council has appointed the Honourable Messrs. Baldwin and Hamilton, as a Committee on the part of this House, who will be ready to meet a Committee of the Commons House of Assembly to-morrow, at two of the clock, P. M., to wait on His Excellency the Lieutenant Governor with the joint Address to Her Majesty in behalf of Colonel FitzGibbon, and to present the same.

Committee to carry up Joint Address on Colonel FitzGibbon.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Twenty-fourth day of February, 1838. }

MR. SPEAKER:

The Legislative Council request a conference with the Commons House of Assembly on the subject of the bill sent up from the Commons House of Assembly, entitled, "An Act to repeal the several laws heretofore existing relative to Common Schools, and to provide for the establishment, maintenance, and support of Common Schools throughout this Province," and have appointed the Honourable Messrs. Allan and Hamilton, to be Conferrees on the part of this House, who will be ready to meet a Committee on the part of the Commons House of Assembly this day, at four of the clock, in the Committee Room of the Legislative Council for that purpose.

Conference requested on School Bill.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Twenty-sixth day of February, 1838. }

On motion of Mr. Burwell, seconded by Mr. McLean,

Ordered—That Messrs. Boulton, Cartwright, Thomson, and Rykert, be a Committee on the part of this House to meet the Conferrees of the Honourable the Legislative Council on the subject of the Common School Bill, this day at 4 o'clock.

Committee appointed to meet Conferrees of L. C. on School Bill.

Pursuant to the order of the day, the Address to Her Majesty relative to the duties collected at Quebec, was read the third time and passed, and is as follows:—

Address on duties collected at Quebec, read third time and passed.

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly pray that Your Majesty may be graciously pleased to recommend to Your Imperial Parliament to provide by statute for the payment of the just proportion of duties due to this Province arising from imports at the Port of Quebec, under the provisions of the 6th Geo. IV. chap. 114, and other Imperial Statutes passed since the Canada Trade Act.

Address.

ALLAN. N. MACNAB,
Speaker.

Commons House of Assembly, }
26th February, 1838. }

Address on appropriations from Casual and Territorial Revenue, read third time.

Pursuant to the order of the day, the Address to Her Majesty respecting certain appropriations made out of the Casual and Territorial Revenue, was read the third time.

On passing,

On the question for passing the Address, the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—21.

Messieurs *Aikman, Bockus, Chisholm* of Glengarry, *Ferrie, Duncombe, Kearnes, Marks, McDonell* of Northumberland, *McDonell* of Stormont, *McIntosh, McKay, McLean, Merritt, Parke, Ruttan, Rykert, Shade, Sherwood, Solicitor-General, Thorburn, Woodruff*—21.

N A Y S.

Nays—7.

Messieurs *Attorney-General, Boulton, Burwell, Cartwright, Cook, Gamble, Robinson*—7.

Carried, majority 14.

The question was carried in the affirmative by a majority of fourteen, and the Address was passed, and is as follows:—

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

Address.

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly represent to Your Majesty, that in the opinion of this House the Casual and Territorial Revenue of this Province should not continue to be burthened with the sum of seven thousand two hundred and ninety-five pounds for religious purposes, but that this charge should be borne out of the proceeds arising out of the sales and leases of the Clergy Reserves.

ALLAN N. MACNAB,
Speaker.

*Commons House of Assembly, }
26th February, 1838.*

Address on investing certain money in Debentures read 3rd time and passed.

Pursuant to the order of the day, the Address to Her Majesty on investing certain revenues in Provincial Debentures, was read the third time and passed, and is as follows:—

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

Address.

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly pray that Your Majesty will be graciously pleased to direct your Principal Secretary of State for the Colonies to take such measures as will cause speedily to be funded, in the public debentures of this Province, such moneys as have been raised in this Province, whether from the sale of Public Lands, Clergy Reserves, Indian Lands, or from any source whatever, and are now placed at interest or funded in the stocks of Your Majesty's United Kingdom or elsewhere.

ALLAN N. MACNAB,
Speaker.

*Commons House of Assembly, }
26th day of February, 1838.*

Address to remove Collectors in default, read third time and passed.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant-Governor to remove Collectors in default, was read the third time and passed, and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

Address.

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request Your Excellency to cause to be dismissed from their respective offices all Collectors of Customs, and Inspectors, and other public officers in default to the Provincial Revenue, who shall not pay the balance due within six months, and to instruct Her Majesty's Attorney-General to institute prosecutions against such defaulters, or against the sureties of those who have deceased, if they are responsible.

ALLAN N. MACNAB,
Speaker.

*Commons House of Assembly, }
26th February, 1838.*

Pursuant to the order of the day, the Bill to authorise the negotiation of a Loan at a reduced rate of interest was read the third time and passed. Bill to negotiate loan read 3rd time and passed.

Mr. Merritt, seconded by Mr. Boulton, moves that the Bill be entitled—
 “An Act to authorise a Loan of Money in London, and for other purposes therein mentioned.” Title.

Which was carried; and Messrs. Merritt and Boulton were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the bill to prevent further advances on public works in arrear, was read the third time. Bill to withhold advances on works in arrear, read third time.

On the question for passing the bill,

In amendment, Mr. Robinson, seconded by Mr. McDonell of Northumberland, moves that the bill do not now pass, but that it be amended by striking out the words “nor until six months’ interest be paid on any sum or sums to be hereafter advanced.” Amendment moved.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Messieurs Cartwright, Duncombe, Ferrie, McDonell of Northumberland, McIntosh, Parke, Robinson, Ruttan—8. Yeas—8.

N A Y S.

Messieurs Aikman, Boulton, Chisholm of Glengarry, Cook, Dunlop, Gamble, Kearnes, Marks, McDonell of Stormont, McKay, McLean, Merritt, Morris, Rykert, Shade, Shaver, Sherwood, Thorburn, Woodruff—20. Nays—20.

The question of amendment was decided in the negative by a majority of twelve, and the bill was passed. Amendment lost, majority 12.

Mr. Merritt, seconded by Mr. McKay, moves that the bill be entitled,
 “An Act to prevent the Receiver General from advancing any further sum on loans for certain public works, until the interest is paid thereon, as therein provided.” Title.

Which was carried, and Messrs. Merritt and McKay were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the bill granting pensions to the widows and children of Militiamen killed during the late Rebellion was read the third time. Bill granting pensions to widows, &c. of militiamen, read third time.

On the question for passing the Bill,

In amendment, Mr. Ruttan, seconded by Mr. Thomson, moves that the bill do not now pass, but that it be amended by striking out, in the second clause, the words, “within six months thereafter.” Amendment moved.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs Chisholm of Glengarry, Duncombe, Kearnes, McDonell of Stormont, Parke, Ruttan, Thorburn, Woodruff—8. Yeas—8.

N A Y S.

Messieurs Aikman, Attorney-General, Bockus, Boulton, Burwell, Cartwright, Chisholm of Halton, Cook, Dunlop, Ferrie, Gamble, Malloch, McDonell of Northumberland, McIntosh, McKay, Morris, Robinson, Rykert, Shade, Sherwood, Solicitor-General, —23. Nays—23.

The question of amendment was decided in the negative by a majority of fifteen. Amendment lost, majority 15.

In amendment, Mr. Kearnes, seconded by Mr. Thorburn, moves that the bill do not now pass, but that it be amended by expunging the word “six” and inserting “twelve.” Another amendment moved.

Which was carried, and the bill was passed.

- Mr. Bockus, seconded by Mr. Boulton, moves that the bill be entitled,
 Title. “*An Act to provide pensions for the widows and children of Militiamen killed during the late Rebellion, and for other purposes therein mentioned.*”
- Which was carried, and Messrs. Bockus and Boulton were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.
- Bill to enable Mr Prince to act as Barrister and Attorney, read 3rd time.
 On passing, Pursuant to the order of the day, the bill to enable John Prince, Esq., to act as Barrister and Attorney in this Province, was read the third time.
- On the question for passing the Bill, the Yeas and Nays were taken as follows:—
- Y E A S.
- Yeas—26. Messieurs *Aikman, Bockus, Boulton, Burwell, Chisholm* of Halton, *Chisholm* of Glengarry, *Cook, Duncombe, Dunlop, Ferrie, Kearnes, McDonell* of Northumberland, *McDonell* of Stormont, *McIntosh, McKay, Merritt, Morris, Parke, Robinson, Ruttan, Rykert, Shade, Sherwood, Solicitor-General, Thorburn, Woodruff*—26.
- N A Y S.
- Nays—1. Mr. *Malloch*—1.
- Carried, majority 25. The question was carried in the affirmative by a majority of twenty-five, and the Bill was passed.
- Mr. Sherwood, seconded by Mr. Solicitor General, moves that the bill be entitled,
 Title. “*An Act to authorise the admission of John Prince, Esquire, to practise as a Barrister and Attorney within this Province.*”
- Which was carried; and Messrs. Sherwood and Solicitor-General were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.
- Members' wages bill read third time.
 On passing, Pursuant to the order of the day, the Bill to alter the mode of payment of wages to Members of the Assembly was read the third time.
- On the question for passing the Bill, the Yeas and Nays were taken as follows:—
- Y E A S.
- Yeas—21. Messieurs *Aikman, Attorney-General, Boulton, Cartwright, Chisholm* of Halton, *Cook, Duncombe, Malloch, Marks, McDonell* of Northumberland, *McKay, Murney, Morris, Parke, Robinson, Ruttan, Shade, Sherwood, Solicitor-General, Thomson, Woodruff*—21.
- N A Y S.
- Nays—2. Messieurs *Bockus, Burwell, Chisholm* of Glengarry, *Ferrie, McIntosh, McLean, Rykert, Thorburn*—8.
- Carried, majority 13. The question was carried in the affirmative by a majority of thirteen, and the Bill was passed.
- Mr. Boulton, seconded by Mr. Sherwood, moves that the Bill be entitled—
 Title. “*An Act to alter the mode of Payment of Wages to Members of the House of Assembly.*”
- Which was carried, and Messrs. Boulton and Sherwood were ordered by the Speaker to carry the bill up to the Hon. the Legislative Council, and to request their concurrence thereto.
- Col Coffin's salary Bill read 3rd time and passed.
 Pursuant to the order of the day, the Bill granting a retired allowance to Colonel Nathaniel Coffin, Adjutant-General of Militia, was read the third time.
- On the question for passing the Bill,
 Amendment moved. In amendment, Mr. Bockus, seconded by Mr. Cook, moves that the Bill do not now pass, but that it be amended by expunging the word “three” in the 2nd clause, and inserting “two.”

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Bockus, Cook, Duncombe, Malloch, McIntosh, Murney, Richardson, Shade, Shaver, Woodruff*—10. Yeas—10.

N A Y S.

Messieurs *Aikman, Attorney-General, Boulton, Burwell, Cartwright, Chisholm of Halton, Chisholm of Glengarry, Dunlop, Marks, McDonell of Northumberland, McKay, McLean, Parke, Robinson, Ruttan, Rykert, Solicitor-General*—17. Nays—17.

The question of amendment was decided in the negative by a majority of seven, and the bill was passed. Amendment lost, majority 7, and bill passed.

Mr. Boulton, seconded by Mr. Ruttan, moves that the bill be entitled—
 “*An Act granting a retired Allowance to Colonel Coffin, Adjutant-General of Militia.*” Title.

Which was carried; and Messrs. Boulton and Sherwood were ordered by the Speaker to carry the Bill up to the Hon. the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the bill to extend the time for completion of certain Public Works was read the third time and passed. Bill to extend time for completing public works read 3rd time and passed.

Mr. Merritt, seconded by Mr. Boulton, moves that the Bill be entitled—
 “*An act to extend the period for commencing or completing public works for which Charters have been granted.*” Title.

Which was carried, and Messrs. Merritt and Boulton were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Mr. Cartwright, seconded by Mr. Boulton, moves, that an humble Address be presented to His Excellency the Lieutenant Governor, praying His Excellency to extend the time for the prorogation of the Legislature; and that the 21st Rule of this House be dispensed with so far as relates to the same; and that Messrs. Sherwood and Ferrie be a committee to draft, report, and present the same. Address to extend time for prorogation, ordered.

Which was carried and ordered.

Mr. Sherwood, from the Committee to draft the Address, reported a draft, which was received and read twice, and ordered to be engrossed and read a third time this day. Address reported, and read twice.
3rd reading to-day.

On motion of Mr. Burwell, seconded by Mr. McDonell of *Northumberland*,

Ordered—That Messrs. Merritt, Chisholm of *Halton*, Ruttan, and Boulton, be a committee, on the part of this House, to meet the committee of the Honourable the Legislative Council, on Tuesday next, at 2 o'clock, P. M., to wait upon His Excellency the Lieutenant Governor, to know when His Excellency would be pleased to receive the Joint Address to Her Majesty, in behalf of Colonel FitzGibbon, and to present the same. Committee appointed to meet Committee of Legislative Council to carry up Address in favour of Col. FitzGibbon.

Pursuant to the order of the day, the Address to Her Majesty, respecting Messrs. Glynn, Halifax, & Co., as amended, was read the third time. Address on Glynn & Co. read first time.

On the question for passing the Address,

In amendment, Mr. Solicitor-General, seconded by Mr. Robinson, moves, that the Address do not now pass, but that it be referred to a Select Committee who shall be instructed to report specially upon the nature and effect of the transactions between the Honourable the Receiver General of this Province and Messrs. Thomas Wilson & Co., and between the Honourable the Receiver General of this Province and Messrs. Glynn, Halifax & Co.; and also whether by any of those transactions, or by that assignment, the sum still due on the Debentures sold to Thomas Wilson & Co. is a public debt, or has become a debt due to the Honourable J. H. On question for passing:
Amendment moved.

Dunn, individually; and whether this House should adopt the Receiver General's arrangements and discharge him and his securities from all responsibility in respect thereof; and that such Committee do consist of Messrs. Sherwood, Robinson, and Cartwright, with power to send for persons and papers.

Division.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—16.

Messieurs *Aikman, Attorney-General, Boulton, Cartwright, Chisholm* of Glengarry, *Ferrie, Gamble, Kearnes, Malloch, Marks, McDonell* of Northumberland, *McLean, Ruttan, Shade, Sherwood, Solicitor-General*—16.

N A Y S.

Nays—16.

Messieurs *Armstrong, Bockus, Chisholm* of Halton, *Cook, Duncombe, McDonell* of Stormont, *McIntosh, McKay, Merritt, Parke, Richardson, Rykert, Shaver, Thomson, Thorburn, Woodruff*—16.

Carried by casting vote of Speaker.

The question of amendment was carried in the affirmative by the casting vote of the Speaker, and ordered accordingly.

Messages from the Lieutenant Governor.

Mr. Secretary Joseph brought down from His Excellency the Lieutenant Governor, two Messages, with documents accompanying the same.

The Messages were read by the Speaker, as follows:—

F. B. HEAD.

Messages with communications from Lt. Governor of Nova Scotia.

The Lieutenant Governor has great pleasure in transmitting to the House of Assembly a copy of a communication which he yesterday received from Major General Sir Colin Campbell, Lieutenant Governor of Nova Scotia.

Government House,
26th February, 1838. }

F. B. HEAD.

Message with Report of Welland Canal Directors.

The Lieutenant Governor transmits to the House of Assembly the Report of the Directors of the Welland Canal Company, with the accompanying documents.

The House of Assembly will perceive that facts are disclosed in this Report which require the grave and prompt attention of the Legislature, and that public and private interests to a very great amount will be involved in the questions necessarily arising from the state of the Welland Canal.

The Lieutenant Governor therefore feels that he cannot too strongly recommend the subject of this Message to the immediate consideration of the House of Assembly.

Government House,
26th February, 1838. }

The Documents are as follows:—

GOVERNMENT HOUSE,
Halifax, 6th February, 1838.

SIR,

Communication from Lt. Governor of Nova-Scotia, with Resolutions of Leg. Council of that Province.

At the request of the Legislative Council of this Province, I have the pleasure to transmit to Your Excellency the enclosed Resolutions of that Honorable Body, expressing their high admiration of the energetic measures adopted by Your Excellency to suppress the recent rebellious outbreak in Upper Canada, and offering their thanks to Colonel Allan Napier MacNab and the Militia under his command, for their gallant conduct on that occasion.

I have the honour to be,

Sir,

Your Excellency's most obedient humble Servant,
C. CAMPBELL.

His Excellency Sir FRANCIS BOND HEAD,
Baronet, &c. &c., Toronto.

LEGISLATIVE COUNCIL CHAMBER,
29th January, 1838.

Resolutions of Legislative Council of Nova-Scotia.

On motion of Mr. Stuart, seconded by Mr. Ousley,
Resolved unanimously—That while the Members of this House view with the deepest regret the existence of rebellion in the Provinces of Lower and Upper Canada, they cannot refrain from expressing the gratification they have derived from those warm and animating displays of universal

loyalty and attachment to the British Constitution and Government, to which it has given occasion throughout the British North American Colonies.

Resolutions of Legislative Council of Nova Scotia.

Resolved unanimously—That the grateful acknowledgments of this House ought to be immediately conveyed to His Excellency Sir Francis Bond Head, the Lieutenant Governor of Upper Canada, for the penetration with which he discovered, and the firm, prompt, and energetic manner in which he baffled and defeated, the mad designs of traitorous men to rob and murder those who prefer the blessings of the British Government to Republican Institutions, but more especially for the noble-minded reliance upon the courage and loyalty of the people alone, by which he was enabled to render most important aid towards the suppression of the unnatural rebellion in Lower Canada.

Resolved unanimously—That the thanks of this House are also due to Colonel Allan Napier MacNab and the loyal Militia of Upper Canada for their gallant conduct in crushing in its infancy this rebellious attempt, and in exhibiting a noble example of the spirit with which Her Majesty's North American subjects are determined to preserve their connexion with their mother country, and to put down all endeavours to weaken or destroy it.

Resolved unanimously—That this House view with astonishment and regret the support and assistance which in a time of profound peace and amity between the two Governments have been afforded to the expatriated rebels by many citizens of the American Union, and this House trusts that the efforts of the General Government of the United States will not be remitted until such of its citizens as have been guilty of so unjustifiable a violation of the existing treaty and the law of nations shall be punished with that severity which they deserve.

Resolved unanimously—That while this House recognise in the British soldier that devotion to his Sovereign and country which has led to the effectual suppression of the rebellion in Lower Canada, and also to a long and dreary march at this inclement season, they cannot but rejoice that the absence of the troops from the Upper Province has afforded gratifying and irresistible evidence of the deep-rooted attachment of the people to the British Constitution.

Resolved unanimously—That an humble Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit these Resolutions to His Excellency Sir Francis Bond Head, the Lieutenant Governor of Upper Canada.

(Signed) JOHN C. HALLIBURTON,
Clerk.

LEGISLATIVE COUNCIL CHAMBER,
31st January, 1838.

Resolved—That Mr. Stuart, Mr. Smith, and Mr. Ratchford, do wait upon His Excellency the Lieutenant Governor and present to him the Address and Resolutions agreed to on the 29th of this present month of January.

(Signed) JOHN C. HALLIBURTON,
Clerk.

(For Report of Welland Canal Directors—See Appendix.)

Mr. Bockus, seconded by Mr. Cook, moves that the petition of Harvey Fowler be now read, and that the 41st rule of this House be dispensed with so far as relates to the same.

Petitions read:
Harvey Fowler.

Which was carried, and the petition of Harvey Fowler, praying to be remunerated for reporting the debates during the second Session of the 12th Parliament, was read.

Mr. Aikman, seconded by Mr. Ferrie, moves that the petition of the Trustees of the Hamilton and Brantford macadamized road be now read, and that the 41st rule of this House be dispensed with so far as relates to the same.

Trustees Hamilton and Brantford Road.

Which was carried, and the petition of the Trustees for macadamizing the Hamilton and Brantford road, praying for a further grant of £20,000 to said road, was read.

On motion of Mr. Bockus, seconded by Mr. Cook,

Petitions referred:
Of Harvey Fowler

Ordered—That the petition of Harvey Fowler be referred to a Committee of the whole on supply to-morrow.

On motion of Mr. Aikman seconded by Mr. Ferrie,

Ordered—That the petition of the Trustees of the Hamilton and Brantford macadamized road be referred to a Committee of Supply on to-morrow.

Of Trustees of Hamilton and Brantford Road.

Committee to carry up
Address on Murray Canal
report answer.

Mr. Ruttan, from the Committee to wait on his Excellency the Lieutenant Governor with the Address of this House respecting the Murray Canal, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer :—

GENTLEMEN,—

Answer

I have pleasure in concurring with the views of the House of Assembly, as expressed in this Address, as to the great utility and importance of a Canal to connect the waters of the Bay of Quinte with Lake Ontario at or near Presqu'Isle Harbor; and it is gratifying to me to find that the House of Assembly have adopted the suggestion of the Right Honourable the Secretary of State for the Colonies with respect to a grant of money in lieu of an appropriation of Crown Lands.

I am, therefore, willing to comply with the wishes of the House of Assembly by charging on the Casual and Territorial Revenue, such sum as may be considered the fair value of the lands which the House desired to be appropriated for the purpose of this undertaking; to be paid whenever the money shall be required by the Legislature for the carrying on the work, and the balance in the hands of the Receiver General will admit of the appropriation: and I will instruct the Commissioner of Crown Lands and the Surveyor General to take measures for ascertaining, with all possible precision, the value of the lands in question, having due regard to the principles stated in the Address of the House.

Committee to draft Bill on
Resolution on Clergy
Reserves, report draft.

Bill read first time.

2nd reading to-morrow.

Mr. Sherwood, from the Committee to draft and report a bill pursuant to the resolution of this House on the subject of the Clergy Reserves, reported a draft, which was received, and read the first time.

Ordered—That the bill to reinvest the Clergy Reserves in the Crown be read a second time to-morrow.

On motion of Mr. Boulton, seconded by Mr. Cartwright,

Address of thanks
ordered.

Ordered—That an humble address be presented to His Excellency the Lieutenant Governor, thanking him for his several Messages of this day, as also those of the 23rd instant; and that Messrs. Ruttan and Robinson be a Committee to draft, report, and present the same.

On motion of Mr. Robinson, seconded by Mr. McLean,

Message with Report of
Welland Canal Directors,
referred to Select Com.

Ordered—That the Message of His Excellency the Lieutenant Governor on the Welland Canal, together with the documents accompanying the same, be referred to a Select Committee, consisting of Messrs. Richardson, Rykert, Sherwood, and Bockus, with power to send for persons and papers, and report thereon by bill or otherwise.

On motion of Mr. Boulton, seconded by Mr. Sherwood,

500 copies of Message,
with resolutions from
Nova-Scotia, to be
printed.

Ordered—That 500 copies of the Message of His Excellency the Lieut. Governor, with the resolutions of the Legislative Council of the Province of Nova Scotia, be printed for the use of members.

Pursuant to the order of the day, the bill to authorise the Hamilton Board of Police to borrow a sum of money to complete the market house, was read the third time and passed.

Hamilton Market House
Loan Bill, read 3rd time
and passed.

Mr. Ferrie, seconded by Mr. Aikman, moves that the bill be entitled,

Title

“*An Act to enable the Corporation of the town of Hamilton to erect a new Market House, and to effect a loan.*”

Which was carried, and Messrs. Ferrie and Aikman were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Address to extend time
for prorogation, read
third time and passed.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor, praying him to postpone the period for proroguing Parliament, was read the third time and passed, and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

Address

We, Her Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly pray that Your Excellency will be pleased to extend the

time for the prorogation of the Legislature, as from the extent of the business before them it will be impossible for them to mature several valuable and important measures without such extension.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly, }
26th February, 1838. }

On motion of Mr. Robinson, seconded by Mr. McLean,

Ordered—That the Message of His Excellency the Lieutenant Governor, and the Resolutions of the Legislative Council of Nova Scotia, accompanying the same, be referred to a Select Committee, consisting of Messrs. Solicitor General and Burwell.

Message with Resolutions of Leg. Council of Nova Scotia, referred to Select Committee.

Pursuant to the order of the day, the House was put into a committee of the whole on the Message of His Excellency the Lieutenant Governor, respecting providing for the office of the Adjutant General of Militia.

House in Committee on Message on Adjutant General's Office.

Mr. McIntosh in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to two Resolutions, which he was directed to submit for the adoption of the House.

Resolutions reported.

The Report was received.

The first Resolution was put as follows:—

Resolved—That there be granted to Her Majesty the sum of £600, to enable Her Majesty to pay a Salary of that amount to the Adjutant General of Militia of this Province."

1st Resolution.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs Aikman, Armstrong, Attorney-General, Bockus, Boulton, Burwell, Cartwright, Chisholm of Halton, Chisholm of Glengarry, Cook, Duncombe, Gamble, Kearnes, Malloch, Marks, McDonell of Northumberland, McDonell of Stormont, McKay, McLean, Merritt, Robinson, Ruttan, Rykert, Shade, Shaver, Sherwood, Solicitor-General, Thomson, Thorburn, Woodruff—30.

Yeas—30.

N A Y S.

Mr. McIntosh—1.

Nays—1.

The question was carried in the affirmative by a majority of twenty-nine, and the Resolution was adopted.

Carried, majority 29.

The second Resolution was put as follows:—

Resolved—That there be granted to Her Majesty the sum of £100, to enable Her Majesty to pay to the Assistant Adjutant General the additional sum of £100 per annum.

2nd Resolution.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs Bockus, Burwell, Chisholm of Glengarry, Cook, Kearnes, Marks, McDonell of Northumberland, McDonell of Stormont, Robinson, Ruttan, Shaver, Thorburn—12.

Yeas—12.

N A Y S.

Messieurs Aikman, Armstrong, Boulton, Cartwright, Chisholm of Halton, Duncombe, Ferrie, Gamble, Malloch, McIntosh, McKay, Merritt, Rykert, Shade, Sherwood, Solicitor-General, Thomson, Woodruff—18.

Nays—18.

The question was decided in the negative by a majority of six.

Lost, majority 6.

On motion of Mr. Robinson, seconded by Mr. Solicitor General,

Ordered—That Messrs. Sherwood and Bockus be a committee to draft and report a Bill pursuant to the Resolution.

Resolution referred to Select Com. to draft bill.

Mr. Sherwood, from the Committee to draft and report a Bill pursuant to the foregoing Resolution, reported a draft, which was received and read the first time.

Committee report draft. Bill read first time.

On the question for the second reading of the bill to-morrow,
In amendment, Mr. Robinson, seconded by Mr. Bockus, moves that the bill be read a second time forthwith.

Read 2nd time and committed.

Which was carried, and the Bill was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Marks in the Chair.

The House resumed.

Reported without amendment.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the Adjutant General's Salary Bill be engrossed and read a third time to-morrow.

At five o'clock, P. M., the Speaker adjourned the House for two hours.

The House met again, pursuant to adjournment.

House goes into Committee on sending Commissioners to England.

Pursuant to notice, Mr. McKay, seconded by Mr. Merritt, moves that this House do resolve itself into a Committee of the whole forthwith, for the purpose of deliberating upon the propriety of sending one or more Commissioners to England, in order to carry into effect the Resolutions, Address, and Report of this House, upon the subject of the union—the political state of Upper and Lower Canada—and other subjects.

Which was carried, and the House was put into a committee of the whole accordingly.

Mr. Marks in the chair.

The Speaker resumed the chair on a question of order.

The Speaker left the chair.

The Chairman resumed the Chair of Committee.

The House resumed.

Resolution reported.

The Chairman reported that the Committee had agreed to a Resolution, which he was directed to submit for the adoption of the House.

The Report was received.

The Resolution was put, as follows :—

Resolution.

“ *Resolved*—That it is expedient at this present crisis that the Honourable Allan N. MacNab, Speaker of this House, and the Attorney General, should be sent to England for the purpose of drawing the immediate attention of Her Majesty and the Imperial Parliament to a consideration of the difficulties which threaten this and the Lower Province, and to submit for their determination, whether a union of the Canadas—the annexation of Montreal, and a portion of the adjoining country, to this Province—or any other mode will best tend to the settlement of the important questions which now affect the best interests of Upper and Lower Canada.”

Division.

On which the Yeas and Nays were taken as follows :—

Y E A S.

Yeas—17.

Messieurs *Aikman, Boulton, Burwell, Cartwright, Chisholm* of Halton, *Dunlop, Gamble, Marks, McDonell* of Northumberland, *Merritt, Parke, Ruttan, Rykert, Shade, Sherwood, Solicitor-General, Woodruff*—17.

N A Y S.

Nays—12.

Messieurs *Bockus, Chisholm* of Glengarry, *Cook, Ferrie, Kearnes, McIntosh, McKay, McLean, Richardson, Robinson, Shaver, Thorburn*—12.

Carried, majority 5.

The question was carried in the affirmative by a majority of five, and the Resolution was adopted.

Motion to communicate resolution to L. Council.

Mr. Solicitor-General, seconded by Mr. Rykert, moves, that the foregoing Resolution be communicated to the Honourable the Legislative Council to request their concurrence therein.

Division.

On which the Yeas and Nays were taken, as follows :—

Y E A S.

Messieurs *Aikman, Boulton, Burwell, Cartwright, Dunlop, Gamble, Marks, McDonell* of Northumberland, *McLean, Merritt, Parke, Robinson, Ruttan, Rykert, Shade, Sherwood, Solicitor-General*—17. Yeas—17.

N A Y S.

Messieurs *Bockus, Chisholm* of Halton, *Chisholm* of Glengarry, *Cook, Ferrie, Kearnes, McIntosh, McKay, Shaver, Thorburn*—10. Nays—10.

The question was carried in the affirmative by a majority of seven, and ordered accordingly. Carried, majority 7.

Mr. Boulton, from the Committee of conference with the Honourable the Legislative Council, on the Bill sent up from this House, entitled— Committee of Conference on School Bill report reasons of L. Council for requesting conference.

“An Act to repeal the several Laws heretofore existing relative to Common Schools, and to provide for the establishment, maintenance, and support of Common Schools throughout this Province”—

Reported the following:—

“The Legislative Council desire this conference for the purpose of explaining to the House of Assembly that they agree with them that the people of every country should be made to contribute in proportion to their means for the support of General Education, and thus enable the poorer classes of society to receive instruction, which, without some well-established system endowed by law, they can never obtain. Reasons of L. Council for requesting conference on School Bill.

“With this declaration of its opinion the Legislative Council have to acquaint the House of Assembly that they cannot pass the bill entitled ‘An Act to repeal the several laws heretofore existing relative to Common Schools, and to provide for the establishment, maintenance, and support of Common Schools throughout this Province,’ because it proposes to levy an assessment at the discretion of the Justices of the Peace to the extent of a penny half-penny in the pound to support the Common Schools; and as Acts have lately passed imposing additional rates on the inhabitants of several of the Districts for the purpose of defraying the expense of building Gaols and Court Houses, and for the construction of Macadamized roads, the Legislative Council fear that the proposed assessment for Common School Education might be found burthensome in the present disturbed state of our public affairs, and therefore it may be thought inexpedient to add immediately to the District assessments for this purpose, important as the object may be.”

Mr. Richardson, from the committee of conference with the Honourable the Legislative Council, on the various Bills sent up from this House granting Money to Macadamize certain Roads, reported the following:— Committee of Conference on Macadamized Road Bills report reasons of L. Council for requesting conference.

“The Legislative Council have requested this conference with the Commons House of Assembly, on the subject matter of the Bill entitled ‘An Act to raise a sum of money to macadamize the main road leading from the macadamized road at Hamilton, in the Gore District, to the west boundary line of the Township of Grimsby in the Niagara District, and for other purposes therein mentioned,’—also the Bill entitled ‘An Act to authorise the construction of a Turnpike Road in the County of Kent,’—also the Bill entitled ‘An Act to raise a sum of money to prepare the road for macadamization between Canborough and Simcoe in the Niagara and Talbot Districts, and for other purposes therein mentioned,’—and also the Bill entitled ‘An Act to raise a sum of money to macadamize the swamp road leading from the Ten mile Creek, in the township of Grantham, to the Town of Niagara, and for other purposes therein mentioned,’ for the purpose of representing that the Legislative Council feel desirous of meeting the wishes of the Assembly in giving their concurrence to these Bills; but how far the anticipation of an adequate revenue from these undertakings may be warranted by the experiment of the macadamized road on Yonge Street and the unsettled state of the country, the Legislative Council will not venture to pass an opinion, although it may scarcely be thought safe to reckon upon as great a thoroughfare on the proposed roads as that which occurs in the vicinity of the seat of Government. The ardent spirit for public improvement which is almost every where manifested is highly creditable to the people of the Province, and it will be the subject of regret if a prudent regard for the credit of the Government may compel the Legislature to withhold the proposed security from these and any other similar undertakings. The Legislative Council cannot divest their minds of the fact that the debt of the Province already amounts to more than one million currency, occasioned principally by works of public improvement which have hitherto, as far as revenue is concerned, greatly disappointed the hopes held out by those who promoted them, thereby subjecting the Government of the Colony to very serious inconvenience and difficulty; for should the amount of Provincial revenue materially diminish, a natural consequence of the distracted state of public affairs, it is but too certain that the ability of the Government to answer its present obligations is very doubtful. How then it can be deemed just or proper to continue holding out inducements to men of capital to loan money on the credit of our revenue which we know is already burthened beyond what is prudent or desirable, Reasons of L. Council for requesting conference on Macadamized Road Bills.

the Legislative Council are at a loss to understand. There is an extent beyond which it cannot be justifiable to involve the credit of the Government, and this limit the Legislative Council humbly conceive has already been arrived at, if not passed, in Upper Canada; and therefore it becomes a plain and obvious duty to pause ere the Province be involved in irrecoverable difficulty. The holders of Debentures both in this country and in England rely on the integrity and wisdom of the Provincial Parliament, that it will not contract debts beyond the means of our ordinary resources, and the Legislative Council will have much satisfaction to find that there is no cause to apprehend disappointment in this respect, and that the Receiver General will have the power to pay the interest on all the public loans as it falls due. But even if he should, it ought not to be forgotten that the period cannot be remote when some of the early debentures will be redeemable; and, when the holders of them may demand payment, where then will be the means of the country to fulfil its undertakings? By borrowing again, it may be answered; but this is a system not to be approved of, whether on the part of the public or an individual, even if credit can be kept up, which may reasonably enough be thought problematical. If the revenue of the Province during the past and preceding years was not more than sufficient to bear the demands with which it is chargeable, what must be the condition of the public creditor, if, by continuing to pass bills which increase the Provincial debt, it is found that a greatly diminished revenue during the incoming season shall put it out of the power of the Receiver General to answer the demands on the public chest?

“The Legislative Council, viewing the financial affairs of the country in any thing but a satisfactory light, have felt it their duty to express to the House of Assembly the reasons which urge them to withhold their concurrence from these and all other bills which have the effect of adding in any important degree to the debt of the Province, unless specific means were provided for meeting the change.”

Adjourned.

Tuesday, 27th February, 1838.

The House met.

The minutes of yesterday were read.

The Speaker reported that he had received a communication from the Clerk of the Crown in Chancery, which was read as follows:—

CLERK CROWN IN CHANCERY'S OFFICE,
Toronto, 26th February, 1838.

SIR,

I have the honor to report, for the information of the Hon'ble the Commons House of Assembly, that I have received the return to the writ of Election lately sued out for the election of one member to represent the County of Norfolk in the present House of Assembly in the room of John Rolph, Esquire, whose seat in the said Assembly, by a resolution of the House, was declared vacant; and that William Salmon, Esquire, has been duly elected to represent the said County of Norfolk in the said Assembly.

I have the honour to be,

Sir,

Your most obedient humble Servant,

SAMUEL P. JARVIS,

C'lk. Cr. Ch'y.

The Hon'ble ALLAN MACNAB,
&c. &c. &c.

Mr. Speaker reported that he had received a letter from Mr. Attorney General, which was read as follows:—

HOUSE OF ASSEMBLY,
Toronto, 27th February, 1838.

SIR,

Considerations both of a public and private nature render it imperative on my part to decline the mission proposed to me by the House of Assembly to proceed to England on the affairs of this Province.

In requesting you to make this communication to the House, I trust it will be believed, that I regard the confidence manifested by the Assembly in my desire to advance the interests of my native country as one of the most gratifying and honorable distinctions that could be conferred upon me; and I shall ever consider it not only in that light, but as constituting a claim on me (which shall never be forgotten) to redouble my exertions to employ my humble abilities in ad-

Speaker reports communication from C. C. Chancery, announcing return of William Salmon, Esq. for Norfolk.

Communication.

Speaker reports letter from Attorney General, declining to proceed as Commissioner to England.

Letter.

vancing the happiness of my fellow subjects, and in securing a continuance of their good opinion, and the kindness they have hitherto so generously extended to me.

I have the honor to be,
Sir,

Your most obedient humble servant,

C. A. HAGERMAN.

The Hon'ble ALLAN NAPIER MACNAB,
Speaker of the House of Assembly,
&c. &c. &c.

William Salmon, Esquire, Member for the County of Norfolk, was introduced by Messrs. Burwell and Robinson, and took his seat. William Salmon, Esq. takes his seat.

Mr. Sherwood, seconded by Mr. Boulton, moves, that William B. Wells, a Member of this House for the County of Grenville, having left this Province immediately on the breaking out of the late insurrection, avowedly with the intention of absconding to avoid being arrested upon a charge of treason or sedition, and having also, as set forth in the affidavit of Robert Grant, of Marlborough, in the said County of Grenville, assisted the people (styling themselves patriots) who had assembled at various points in the State of New-York, for the purpose, as it is supposed, of invading Upper Canada, be expelled this House. Motion to expel William B. Wells, Esq.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs Aikman, Attorney-General, Bockus, Boulton, Burwell, Cartwright, Chisholm of Halton, Cook, Duncombe, Elliot, Ferrie, Marks, McCrae, McDonell of Northumberland, McDonell of Stormont, McIntosh, McKay, McLean, Merritt, Parke, Robinson, Ruttan, Rykert, Salmon, Shade, Shaver, Sherwood, Solicitor-General, Thorburn, Woodruff—30. Yeas—30.

N A Y S.

Mr. Malloch—1. Nays—1.

The question was carried in the affirmative by a majority of twenty-nine. Carried, majority 29.

On motion of Mr. Sherwood, seconded by Mr. Boulton,

Ordered—That the Speaker of this House do direct the proper Officer to issue a Writ of Election for the return of one Member for the County of Grenville, in the room of William B. Wells, who has been expelled this House. Speaker to issue his writ of election for a member for Grenville in room of Mr Wells.

Mr. Solicitor-General, seconded by Mr. Robinson, moves, that this House do communicate to the Honourable the Legislative Council the letter of Christopher Alexander Hagerman, Esquire, declining to proceed for reasons therein given, on the mission to England, mentioned in the Resolution already ordered to be communicated to that Honourable House. Mr Attorney General's Letter to be communicated to L. Council.

Which was carried, and Messrs. Robinson and Solicitor-General were ordered by the Speaker to carry up the Message.

Mr. Thorburn brought up the petition of H. N. Camp, and William Murray, of Dunnville, in the District of Niagara; which was laid on the table. Petition of Camp and Murray brought up.

Pursuant to the order of the day, the Bill granting a Salary to the Adjutant General of Militia, was read the third time and passed. Adj't General's Salary Bill read 3rd time and passed.

Mr. Robinson, seconded by Mr. Sherwood, moves, that the Bill be entitled—

“An Act granting a Salary to the Adjutant General of Militia of this Province, and for other purposes therein mentioned.” Title.

Which was carried, and Messrs. Robinson and Sherwood were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Petitions read :—
 Pursuant to the order of the day, the following Petitions were read :—
 Eastwood & Skinner. Of Eastwood & Skinner, of the City of Toronto, Paper-makers, praying that further protection may be afforded to Creditors from fraudulent Debtors.

John Reid. And of John Reid, of the Town of Hamilton, praying remuneration for a wound accidentally received while serving in a Company of Volunteers during the rebellion.

Camp and Murray. Mr. Thorburn, seconded by Mr. Woodruff, moves, that the petition of Camp and Murray be now read, and that the 41st Rule of this House be dispensed with so far as relates to the same.

Which was carried, and the petition of H. N. Camp and William Murray, of Dunnville, District of Niagara, praying for an equitable adjustment of their claims on the Welland Canal Company, was read.

On motion of Mr. Thorburn, seconded by Mr. Woodruff,

Petition of Camp and Murray referred.

Ordered—That the petition of Camp and Murray be referred to the Select Committee on the affairs of the Welland Canal.

Select Com. on Messages and Resolutions of Leg. Council of Nova-Scotia, present report.

Mr. Solicitor-General, from the Select Committee on His Excellency's Message with certain Resolutions of the Legislative Council of Nova Scotia, presented a report, which was received and read, and is as follows :—

To the Honourable the Commons House of Assembly, in Provincial Parliament assembled.

Report.

The Committee to whom was referred the Message of His Excellency the Lieutenant Governor, together with a despatch from His Excellency Sir Colin Campbell, and certain Resolutions of the Honourable the Legislative Council of the Province of Nova Scotia, have agreed upon the accompanying Resolutions, which they beg leave to recommend to the adoption of Your Honourable House.

W. H. DRAPER,
 Chairman.

Committee-Room,
 26th February, 1838. }

1. *Resolved*—That this House fully appreciate the feelings which have actuated the Honourable the Legislative Council of Nova Scotia, in passing the Resolutions which have been communicated to the House by His Excellency Sir F. B. Head, and derive unmingled satisfaction from the additional assurance thus given, that the North American Colonies are determined to preserve the connexion with their mother country, and to put down all endeavours to weaken or destroy it.

2. *Resolved*—That this House observe with great satisfaction the opinion expressed by the Honourable the Legislative Council of Nova Scotia, of the conduct of His Excellency the Lieutenant Governor of this Province, in the suppression of the late Rebellion, and particularly in his reliance on the courage and loyalty of the people alone, for maintaining our laws and institutions against the efforts of domestic traitors.

3. *Resolved*, That this House cordially acknowledge the kindly feeling which has influenced the Legislative Council of Nova Scotia, in the expression of their thanks to Colonel the Honourable Allan N. MacNab, the Speaker of this House, and the loyal Militia of this Province, for their conduct during the late Rebellion, and rejoice that their conduct at such a crisis should be deemed worthy of so distinguished a compliment.

4. *Resolved*—That this House desire to express to the Honourable the Legislative Council of Nova Scotia, their concurrence in the loyal and patriotic sentiments their resolutions contain, and to assure them that the people of this Province will be at all times ready to exert themselves to the uttermost to maintain the ascendancy of British principles and the connexion with the mother country.

5. *Resolved*—That an humble Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit these resolutions to His Excellency Sir Colin Campbell, the Lieutenant Governor of Nova Scotia.

Committee on Contingencies present further report.

Mr. Bockus, from the Committee on Contingencies, presented a further report, which was received and read, and is as follows :—

To the Honourable the Commons House of Assembly.

Report.

The Select Committee on Contingencies beg leave to make a further report :—

That they have taken into consideration the petition of John G. Howard, Architect, of this City, upon which they would beg to state that the claim of the petitioner appears to be for services rendered to the Building Committee of the Public Buildings, and not a Contingency of Your Honourable House ; they cannot therefore recommend its payment as such.

Mr. Howard has submitted to Your Committee a letter from James Fitzgibbon, Esquire, one of the aforesaid Building Committee, to Mr. Joseph, which is hereto appended, recommending that £25 should be paid for services of Mr. Howard, thereby admitting the claim of Mr. Howard. Under this, as well as other evidence adduced by the petitioner, Your Committee are induced to suggest for the favourable consideration of Your Honourable House that a bill be passed granting the sum of £50 to the petitioner for services rendered the Building Committee of the Public Buildings.

All which is respectfully submitted.

CHARLES BOCKUS,
Chairman.

Committee Room, House of Assembly, }
27th February, 1838.

TORONTO, 17th April, 1837.

SIR,

The petition of Mr. Howard is referred to the Commissioners for superintending the erection of the Parliament House—but it is their successors, the Commissioners for superintending the completion of the building, who know any thing of the circumstances stated in the petition.

Letter from James Fitzgibbon, Esq. to Mr Sec'y Joseph, accompanying Report on Contingencies.

As one of the latter, I have the honour to state to you that the Civil Secretary of the late Lieutenant Governor said to me one day, in conversation, that Mr. Howard, the Architect, would afford the Commissioners any advice they may desire, without making any charge for it.

I subsequently called on Mr. Howard and repeated what the Secretary had said. Mr. Howard said he would be happy to do so, and we occasionally referred to him for advice on particular points, principally with respect to the stone steps in front of the House.

I did observe that Mr. Howard attended the workmen and to the work, many times, without being called upon by the Commissioners to do so, and I once thought of warning him that the Commissioners did not think it necessary to incur any expense for his services; but upon reflection, I imputed his attentions to his desire to exhibit his qualifications, that they may the more readily be brought into public notice, and that any discouragement proceeding from me would be unpleasant, if not painful, to Mr. Howard.

With respect to the plans, elevations, &c., mentioned in the petition, the Commissioners did not order any, nor did they know any thing of them until they were exhibited to them either by the late Lieutenant Governor or Mr. Howard.

After the departure of His Excellency, and receiving and considering the claim of Mr. Howard, I told him that in consideration of the services rendered by him, and in the event of his failing to obtain payment from any other source, I would, as one of the Commissioners, agree to vote him a small sum, not, perhaps, exceeding £25: at the same time clearly stating to Mr. Howard, that I did not admit he had a legal claim upon the Commissioners for one shilling.

As no money has since been voted for the building, I have not submitted the subject for the consideration of the other Commissioners; but it is my intention to do so should I be a Commissioner when further funds shall be appropriated for finishing the building.

I have the honour to be, Sir,
Your most obedient,
Humble Servant,
JAMES FITZGIBBON.

To JOHN JOSEPH, Esquire,
&c. &c. &c.

Mr. Burwell, seconded by Captain Dunlop, moves, that he have leave to bring in a Bill for the relief of Sheppard McCormick, Esquire, a retired Lieutenant in the Royal Navy, and that the 31st Rule be dispensed with so far as relates to the same.

McCormick's Pension Bill (2nd brought in.)

Which was granted, and the Bill was read the first time.

On the question for the second reading of the Bill to-morrow,

In amendment, Mr. Burwell, seconded by Captain Dunlop, moves, that the Bill for the relief of Sheppard McCormick be now read a second time, and that the 40th Rule be dispensed with in so far as relates to the same.

Which was carried; and the Bill was read the second time.

Bill read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Gamble in the chair.

The House resumed.

The chairman reported that the committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The Report was received.

Read third time and passed.

The Bill was then read the third time and passed.

Mr. Burwell, seconded by Captain Dunlop, moves, that the Bill be entitled,—

Title.

“*An Act granting a Pension to Sheppard McCormick.*”

Which was carried, and Messrs. Burwell and Dunlop were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Address on paper bills of credit, brought in.

Mr. Merritt, seconded by Mr. Rykert, moves, that he have leave to submit an Address, praying that Her Majesty will be pleased to recommend to Her Imperial Parliament to repeal 4th Geo. III, entitled, “An Act to permit paper Bills of Credit to be hereafter issued in any of the Colonies”—and that the 31st Rule of this House be dispensed with so far as relates to the same.

Address read twice.

Which was granted, and the Address was read twice, and ordered to be engrossed and read a third time this day.

3rd reading to-day.

House in Com. of Supply on report on petition of E. G. O'Brien and others:

Pursuant to the order of the day, the House was put into a Committee of Supply on the Report of Select Committee on petition of E. G. O'Brien, and others.

Mr. Merritt in the Chair.

The House resumed.

Resolution reported.

The Chairman reported that the Committee had agreed to a Resolution, which he was directed to submit for the adoption of the House.

The Report was received.

The Resolution was adopted as follows:—

Resolution.

Resolved—That it is expedient to authorise the Justices of the Peace for the Home District to raise, by way of Loan, a sum not exceeding £4,000, for the purpose of erecting a Gaol and Court House in the Town of Barrie, in the County of Simcoe—the same to be repaid by an additional tax of one penny in the Pound to be levied on the inhabitant householders of the County of Simcoe.

On motion of Mr. Robinson, seconded by Mr. Burwell,

Ordered—That Messrs. Gamble and Thomson be a committee to draft and report a Bill pursuant to the foregoing Resolution.

Bill authorizing issue of Provincial Notes, brought in.

Mr. Merritt, seconded by Mr. Rykert, moves that he have leave to bring in a Bill to authorise the issuing of Provincial Notes, and that the 31st Rule of this House be dispensed with so far as relates to the same.

Which was granted, and the Bill was read the first time.

2nd reading to-morrow.

Ordered—That the Bill be read a second time to-morrow.

Committee on Resolutions on Trade, report the same amended, with draft of Address.

Mr. Sherwood, from the Select Committee on the Resolutions on Trade, reported by the Committee of the whole on the 23rd instant, on the Report of the Finance Committee, reported the Resolutions as amended, together with the draft of an Address to Her Majesty.

The Report was received.

The Resolutions were adopted as follows:—

Resolutions.
1st Resolution.

1st. *Resolved*, That this House feel it their duty most respectfully to call the attention of Her Majesty's Government to the Despatch of Her Majesty's Secretary of State for the Colonies of the 10th of May, 1837, in answer to the Address of this House on the 3rd of March preceding, on the subject of the Trade of this Province, in which the Secretary to the Lords of the Committee of the Privy Council for Trade and Plantations, in his letter of the 2nd May, 1837, to the Under Secretary of State, Mr. Stephen, urges objections which we have every reason to believe would have been removed, had the Report of the Committee on which the Address was founded been transmitted with that Document, and would thus have prevented the injury, inconvenience, and loss which have arisen from the delay.

2nd Resolution.

2nd. *Resolved*, That the Report above mentioned shows most clearly that the Trade of this Province is greatly impeded by embarrassments arising from the course heretofore pursued by the Legislature of Lower Canada—the want of a sea-port under the control of our Legislature—and the vexatious and unnecessary restriction on our Trade and Commerce. The practical operation of the present Trade Acts are therein set forth by shewing, that a very large proportion of Tea and other articles consumed in this Province is smuggled from the United States, and that from our

extensive Frontier it is impossible to prevent this illicit Trade by any legal enactment—assigns the reason why it would not lessen the Trade of the Mother Country—enumerates all the articles which could be affected by the measure, which are inconsiderable in number, quantity, or value, and shows the strongest motive which actuated the Committee to press the measure so earnestly, viz. depriving political agitators of the power to create discontent by alluding to any duty which was considered oppressive.

3rd. *Resolved*, That the letter referred to in the foregoing Resolution states, that the prayer of the Address goes much beyond the mere prevention of smuggling—since it proposes to place the Trade of Foreign Countries with this Colony on the same footing as that of the United Kingdom, and that it does not furnish information on which they could proceed to modify the existing law with regard to particular commodities. This information is however supplied by quoting the articles from the Report of the Committee on Trade before alluded to. The letter then proceeds with the following remark:—"The only article named in the Address is Tea, and that is subject in Canada to no Parliamentary duty. The only restraint is that it cannot be imported into the Colony from the United States;—and the Lords of the Committee cannot readily believe that a commodity whose place of origin is so distant as China, can by mere mercantile superiority be conveyed to Upper Canada, through the interior settlements of the United States, so much more cheaply than by the waters of the St. Lawrence, as to give to the American Smuggler a decided advantage over the British Merchant.

"Under these circumstances the restriction on the importation of Tea should not be spoken of as a prohibition, and the articles which are really prohibited are so few in number, and of descriptions which can be so readily supplied by the regular channels, that their Lordships can see no reason for entertaining that part of the complaint of the Address which relates to prohibitions."

4th. *Resolved*, That this House cannot withhold the expression of its regret and surprise that the Lords of the Committee of Trade cannot readily believe that Tea is introduced for the supply of Upper Canada through New York cheaper than by Quebec, although it was so stated by this House, because it is a most striking and convincing proof, that neither the geographical situation of this Province or the nature of our Trade is understood; and, unless this House can succeed in removing these erroneous views and impressions, they may continue to labour under their present embarrassments for many years to come.

This House assures the Lords of the Committee, that it is not owing to "mere mercantile superiority," that tea is introduced cheaper from a country so distant as China, by New-York, the Hudson River, and Erie Canal, than by Quebec and the St. Lawrence—but to the embarrassments and impediments which are experienced by our Trade and Commerce, which are fully detailed in the foregoing Resolution, and which they most earnestly call upon Her Majesty's Government to remove.

5th. *Resolved*, That, in the opinion of this House, Tea would pay a Provincial duty of 3d. per lb. and still be introduced from the United States cheaper than through Lower Canada. The letter to which reference has been already made then goes on to state—"That the commodities which are subject to high duties are chiefly manufactures such as are usually supplied from Europe, but of which some, such as coarse and heavy cottons, are made also in the United States. The remedy in these cases would no doubt consist of a reduction of duties; but, as has been already intimated, the grievances are stated in the Address in such general terms, and the relief desired is so extensive and unqualified, that the Lords of the Committee cannot make that Document the foundation on which they should proceed to investigate the one or consider the other."

6th. *Resolved*, That, in reply to these observations, this House most respectfully take occasion to express their regret that their Lordships should have found the grievances of which they complain stated in such general terms, and the relief desired so extensive and unqualified, as to preclude investigation or consideration: To remove this difficulty their Lordships are referred to the enumeration of the articles in 4th Will. IV., chap. 39, where the particular information required may be supplied.

7th. *Resolved*, That the letter before referred to again states as follows:—"I am to request that you will lay these observations before Lord Glenelg as immediately applicable to the case of Upper Canada, so far as regards any Parliamentary duties, to which alone the Memorialists address themselves; and that you will at the same time inform His Lordship, that the Lords of the Committee do not see any grounds, in the subjects thus brought before them, in which they could recommend any new facilities of Trade in behalf of that Province which should not be equally extended to all the British Colonies in North America; and it will be manifest to Lord Glenelg, that such a subject could only be entertained either as a question for a great change in the principles of our Colonial Policy, or with a view to some specific modification of that policy in respect of some particular commodities."

8th. *Resolved*, That this House most respectfully represent, that the peculiar local situation of Upper Canada most materially differs from that of any other of Her Majesty's Colonies, inasmuch as the latter are accessible from the ocean, possess sea-ports, and can regulate their commerce on some general and fixed rules: Not so with Upper Canada; for, cut off from access to the sea by Lower Canada, occupying an immense extent of frontier adjoining the United States, commodities of all kinds are and ever will be introduced from the latter if they can be furnished at a cheaper rate. The Act of the 3rd and 4th of Wm. IV. is not only inoperative, as it relates to this Province, but is even injurious—since it prevents the Provincial Legislature from imposing Duties on the articles consumed, and, by the "ad valorem" rate of duty which it enacts, enables individ-

uals to practise frauds; creates discontent, and precludes the Legislature from collecting a revenue which is absolutely necessary to pay the interest of the debt created, by sums borrowed and expended on their various improvements, and by which payment alone their credit can be preserved.

9th Resolution lost.

9th. *Resolved*, That although this Province is placed on a better footing with regard to the introduction of grain into England, yet the regulation intended to establish this benefit is rendered inoperative altogether from the circumstance that no grain can be sent home with the present rate of duty; and the inhabitants of the United States are placed in a much better situation than those of this Province, inasmuch as we are charged with a duty of 23 cents per bushel on all Wheat of the growth of Upper Canada, when admitted into their ports; whilst at the same time, Wheat, the growth of the United States, is introduced free from duty into this Province if intended for home consumption under provisions of the Act before referred to, a regulation which forms a subject of general complaint, as totally at variance with the just principle of reciprocity, subjecting our Markets to fluctuations in Grain, and giving their grower a gain to that amount.

10th Resolution.

10th. *Resolved*, That an humble Address be presented to Her Majesty, accompanying the foregoing Resolutions, and praying that Her Majesty will be pleased to cause this subject to be laid again before the Lords of the Committee on Trade and Plantations, for their consideration, in the hope that they will see the necessity of repealing that part of the law containing the restrictions herein complained of, and leave it to the wisdom and discretion of this Legislature to impose such duties on each article as they conceive it will bear, with the view of increasing their revenue and protecting the Trade and Commerce of this Province.

Address read twice.

The Address to Her Majesty was read twice, and ordered to be engrossed and read a third time this day.

3rd reading to-day.

Committee to draft Bill on Resolution to tax County of Simcoe, report draft.

Mr. Robinson, from the Committee to draft and report a Bill pursuant to the Resolution authorising the Magistrates of the Home District to levy a Tax on the County of Simcoe to defray the expense of erecting a Gaol and Court House therein, reported a draft, which was received and read the first time.

Bill read first time.

On the question for the second reading of the Bill to-morrow,

In amendment Mr. Robinson, seconded by Mr. Gamble, moves, that the Bill be read a second time forthwith, and that the 40th Rule of this House be dispensed with so far as relates to the same.

Bill read 2nd time and committed.

Which was carried, and the Bill was read the second time.

The House was put into a committee of the whole on the Bill.

Mr. Salmon in the chair.

The House resumed.

Reported without amendment.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Bill to vest Casual and Territorial Revenue in the Legislature, read second time and committed.

Pursuant to the order of the day, the Bill to vest the Casual and Territorial Revenue in the Legislature was read the second time.

The House was put into a committee of the whole on the Bill.

Mr. Robinson in the chair.

The House resumed.

Reported amended.

The Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the bill be engrossed, and read a third time to-morrow.

Address to transmit resolutions on Trade, read 3rd time and passed.

Pursuant to the order of the day, the Address to Her Majesty transmitting certain Resolutions on Trade, was read the third time, and passed, and is as follows:—

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly present to Your Majesty the accompanying Resolutions on the Trade and Commerce of this Province: and pray Your Majesty to cause this subject to be

Address.

again brought under the consideration of the Lords of the Committee of Trade and Plantations, in the hope that their Lordships will see the necessity of recommending that part of the law containing the restrictions herein complained of to be repealed, and leave it to the wisdom and discretion of the Legislature of this Province to impose such duties on each article as they conceive it will bear, with the view of increasing their revenue and protecting the trade and commerce of this Colony.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly, }
27th February, 1838. }

Mr. Sherwood, from the Committee to wait on His Excellency the Lieutenant Governor with the Address requesting His Excellency to postpone the time for proroguing the Legislature, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:—

Committee to carry up Address to extend time for prorogation, report answer.

GENTLEMEN,—

I shall extend, in compliance with the request contained in this Address of the House of Assembly, the time for the prorogation of the Legislature.

Answer.

Pursuant to the order of the day, the Address to Her Majesty on repealing the law respecting Paper Bills of Credit was read the third time, and passed, and is as follows:—

Address on Paper Bills of Credit, read 3rd time and passed.

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to represent to Your Majesty that the prosperity of this Province has been greatly retarded by an Act of the Imperial Parliament passed in the fourth year of the Reign of His late Majesty King George the Third, entitled "An Act to prevent Paper Bills of Credit hereafter to be issued in any of His Majesty's Colonies and Plantations in America, from being declared to be a legal tender in payment of money, and to prevent the legal tender of such bills as are now subsisting from being prolonged beyond the periods limited for calling in and sinking the same." Your Majesty's faithful Commons, therefore, pray that Your Majesty will be pleased to recommend to Your Imperial Parliament, to repeal the said Act so far as relates to this Province.

Address.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly, }
27th day of February, 1838. }

Mr. Boulton, from the Joint Committee to wait on His Excellency the Lieutenant Governor, with the Address of the two Houses, requesting His Excellency to transmit to Her Majesty the Joint Address on behalf of Colonel FitzGibbon, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:—

Joint Committee to carry up Address in favour of Col. FitzGibbon, report answer.

GENTLEMEN,—

I will transmit to Her Majesty's principal Secretary of State for the Colonies, in order to be laid at the Foot of the Throne, your Joint Address to the Queen on behalf of Colonel FitzGibbon; and in doing so I shall feel it my duty to express my unqualified approbation of the services which have been rendered to this Province by that brave and meritorious officer.

Answer.

Mr. Merritt, from the Committee on Finance, presented a fifth Report, which was received and read.

Select Com. on Finance present 5th report.

(REPORT—See Appendix.)

On motion of Mr. Thorburn, seconded by Mr. Bockus,

Ordered—That so much of the third Report of the Committee on Finance as relates to the Post Office Department, together with a copy of the fifth Report of said Committee, on the same subject, and communication annexed, be transmitted to Her Majesty, to accompany the Address adopted by this House.

5th Finance Report, and part of 3rd, to be transmitted to Her Majesty with Address on Post Office.

House in Com. of Supply.

Mr. Merritt, seconded by Mr. Cartwright, moves that this House resolve itself into a Committee of Supply this day, and that the 31st rule of this House be suspended for that purpose.

Which was carried; and the House was put into a Committee of the whole on supply.

Mr. Cook in the chair.

At five o'clock, P. M., the Speaker took the Chair, and adjourned the House for two hours.

The House met again pursuant to adjournment.

The Committee of the whole on Supply resumed.

Mr. Shaver in the chair.

The House resumed.

Progress reported.

The Chairman reported that the Committee had made some progress, and asked leave to sit again to-morrow.

The Report was received, and leave granted accordingly.

On motion of Mr. Solicitor-General, seconded by Mr. Robinson,

House adjourns till 2, P. M. to-morrow.

Ordered—That when this House adjourns this day, it shall stand adjourned till two o'clock, P. M., to-morrow, and that the order of the House for the Speaker leaving the Chair at five P. M., for two hours, be rescinded for to-morrow.

Adjourned.

Wednesday, 28th February, 1838.

The House met, pursuant to adjournment.

The minutes of yesterday were read.

Petition of G. Myers and 17 others, brought up.

Mr. Aikman brought up the petition of George Myers, and seventeen others, of the township of Ancaster, District of Gore, which was laid on the table.

Simcoe Tax Bill, read third time and passed.

Pursuant to the order of the day, the Bill to authorise the Magistrates of the Home District to levy a Tax on the County of Simcoe, to defray the expense of building a Gaol and Court-House therein, was read the third time and passed.

Title.

Mr. Robinson, seconded by Mr. Gamble, moves, that the Bill be entitled, "*An Act to authorise the levying an additional Tax on the inhabitants of the County of Simcoe, for the purposes therein mentioned.*"

Which was carried, and Messrs. Robinson and Gamble were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Bill to vest Casual and Territorial Revenue, read third time.

Pursuant to the order of the day, the Bill to invest the Casual and Territorial Revenue in the Legislature was read the third time.

On the question for passing the Bill,

Motion to recommit Bill. Division.

In amendment, Mr. Solicitor-General, seconded by Mr. Robinson, moves, that the Bill do not now pass, but that it be re-committed for the purpose of making more ample provision for the support of such branches of the Civil Government as are usually provided for in England for the life of the Sovereign—and for the purpose of expunging the fourth clause, or at least remodelling the same—as also for the purpose of making other amendments.

Division.

On which the Yeas and Nays were taken as follows:—

YEAS.

Messieurs *Aikman, Bockus, Boulton, Burwell, Caldwell, Cartwright, Chisholm* of Halton, *Chisholm* of Glengarry, *Duncombe, Dunlop, Ferrie, Kearnes, Malloch, Marks, McIntosh, McKay, McLean, Merritt, Parke, Richardson, Robinson, Ruttan, Rykert, Salmon, Shade, Shaver, Sherwood, Solicitor-General, Thomson, Thorburn, Woodruff*—30. Yeas—30.

NAYS.

Messieurs *Cook, McDonell* of Stormont—2. Nays—2.

The question of amendment was carried in the affirmative by a majority of twenty-eight, and the House was accordingly put into a committee of the whole on the Bill. Carried, majority 28, and bill re-committed.

Mr. Thorburn in the chair.

The Speaker resumed the chair to receive a Message.

The Chairman resumed the chair of Committee.

The House resumed.

The chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House. Bill reported amended.

The Report was received.

Ordered—That the Bill, as amended, be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor, thanking him for his several Messages, was read the third time and passed, and is as follows:— Address of thanks read 3rd time and passed.

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

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave to thank Your Excellency for your several messages of the 23rd and 26th instant. Address.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly, }
28th day of February, 1838. }

Pursuant to the order of the day, the following Petitions were read:— Petitions read:

Of Mary Nicholson, of the City of Toronto, stating that her husband died in consequence of sickness caught whilst in Her Majesty's service during the rebellion, and praying for a Pension. Mary Nicholson.

Of James Cull, of the City of Toronto, stating that he furnished the House last winter with the "Albion" and "Royal Standard" newspapers, of both of which he was proprietor, and praying remuneration. James Cull.

And of Ellinor Davis, of the City of Toronto, stating that her husband died in consequence of sickness caught whilst in Her Majesty's service during the rebellion, and praying for a Pension. Ellinor Davis.

Mr. Speaker reported that the Master in Chancery had brought down from the Honourable the Legislative Council two Messages, and the Bill entitled, Messages from Legislative Council.

"*An Act to Incorporate the Town of Kingston under the name of 'The Mayor and Common Council of the Town of Kingston'*"— Kingston Incorporation bill sent down amended.

to which that Honourable House had made some amendments, and requested the concurrence of this House thereto.

The Messages were read by the Speaker, as follows:—

MR. SPEAKER :

Amendments to bill for
pardoning certain traitors
accessed to.

The Legislative Council have acceded to the amendment made by the Commons House of Assembly in and to the bill sent down from this House, entitled "*An Act to enable the Government of this Province to extend a conditional pardon in certain cases to persons who have been concerned in the late insurrection.*"

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber,
Twenty-eighth day of February, 1838. }

Bills passed by Legisla-
tive Council:

Bill granting Pension to
Ryan, Stull, & Lampuan.

Bill to enable Mr Prince
to act as Barrister and
Attorney.

Members' wages bill.

Bill granting pensions to
widows, &c. of militia-
men killed during the
rebellion.

Col. Coffin's salary Bill.
Bill to withhold advances
on public works in arrear.

MR. SPEAKER :

The Legislative Council have passed the Bill entitled "*An Act authorising the payment of pensions to certain militia-men disabled during the late war with the United States of America, under certain restrictions*"—also the Bill entitled "*An Act to authorise the admission of John Prince, Esquire, to practise as a Barrister and Attorney within this Province*"—also the Bill entitled "*An Act to alter the mode of payment of wages to members of the House of Assembly*"—also the Bill entitled "*An Act to provide pensions for the widows and children of militia-men killed during the late rebellion, and for other purposes therein mentioned*"—also the Bill entitled "*An Act granting a retired allowance to Colonel Coffin, Adjutant General of Militia*"—and also the Bill entitled "*An Act to prevent the Receiver General from advancing any further sum on loans for certain public works until the interest is paid thereon*"—without any amendment.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber,
Twenty-eighth day of February, 1838. }

Amendments to Kingston
Incorporation Bill, read
first time.

The amendments made by the Honourable the Legislative Council, in and to the Bill sent up from this House, entitled—

"*An Act to Incorporate the Town of Kingston under the name of 'The Mayor and Common Council of the Town of Kingston'*"—

Were read the first time, as follows:—

Amendments

Press 1, line 15—After "year" insert "of the reign."

" 2, " 14—After "respectively," insert "the lot of land on the eastern side of the original town plot of Kingston, granted to Magdalen Ferguson."

" 2, " 16—After the word "Grass," expunge the remainder of the section.

" 3, " 12—After "River," insert "and Bay."

" 3, " 12—After "Town," expunge "to the."

" 3, " 13—Expunge this line.

" 5, " 23—After "that," insert "neither."

" 8, " 20—After "and a," insert "high."

" 19, " 10—Expunge "City," and insert "Town."

" 20, " 22—Expunge "City," and insert "Town."

" 26, " 18—After "Pounds," expunge "or," and insert "as the said Court, on proof upon oath (or affirmation, as the case may be) of the due service of such summons, and of such neglect or refusal, shall impose, and in default of payment of such fine, it shall and may be lawful for the said Court to."

" 31, " 10—After "arrear," insert "together with interest on the sum or sums so in arrear."

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber,
Twenty-eighth day of February, 1838. }

On the question for the second reading of the amendments to-morrow,

In amendment, Mr. Cartwright, seconded by Mr. Sherwood, moves that the amendments made by the Legislative Council in and to the bill to incorporate the town of Kingston be read a second time forthwith, and that the 40th rule of this House be dispensed with so far as relates to the same.

Which was carried, and the amendments were read the second time.

Amendments read second
time.

Mr. Cartwright, seconded by Mr. Sherwood, moves that the amendments made by the Legislative Council in and to the bill to incorporate the town of Kingston, be concurred in.

Which was carried, and the amendments were concurred in.

Concurred in.

Messrs. Cartwright and Sherwood were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the amendments.

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

House again in Committee of Supply.

Mr. Cook in the chair.

The House resumed.

The chairman reported that the Committee had agreed to several Resolutions, which he was directed to submit for the adoption of the House.

Resolutions reported.

The Report was received.

Adjourned.

Thursday, 1st March, 1838.

The House met.

The minutes of yesterday were read.

Pursuant to the order of the day, the resolutions reported by the Committee of the whole on Supply of yesterday, were severally put as follows:—

Resolutions on Supply put.

The first and second resolutions were put and carried, as follows:—

Resolved,—That there be granted to Her Majesty the sum of Thirty Pounds to enable Her Majesty to pay that sum to Messrs. Ewart and Parke, being a balance due to them for superintending the erection and measuring the public buildings.

1st Resolution: £30 to Messrs Ewart and Parke.

Resolved,—That there be granted to Her Majesty the sum of Sixty Pounds, to enable Her Majesty to erect a dwelling house for the keeper of Point Peter Light House, in the District of Prince Edward.

2nd Resolution: £60 for dwelling house of Point Peter Light-house keeper.

The third Resolution was put as follows:—

Resolved,—That there be granted to Her Majesty the sum of Eighty Thousand Pounds, in order to enable Her Majesty to advance the like sum in order to complete the St. Lawrence Canal.

3rd Resolution: £80,000 for St. Lawrence Canal.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs *Aikman, Bockus, Burwell, Chisholm* of Glengarry, *Cook, Ferrie, McDonell* of Stormont, *McLean, Merritt, Robinson, Rykert, Shade, Shaver, Sherwood, Thomson*—15.

Yeas—15.

N A Y S.

Messieurs *Duncombe, Kearnes, Malloch, McIntosh, McKay, Parke, Ruttan, Woodruff*—8.

Nays—8.

The question was carried in the affirmative by a majority of seven, and the Resolution was adopted.

Carried, majority 7.

The fourth Resolution was put and carried, as follows:—

Resolved,—That there be granted to Her Majesty the sum of Five Thousand Pounds for the support and maintenance of the Provincial Penitentiary.

4th Resolution: £5000 to Penitentiary.

The fifth Resolution was put as follows:—

Resolved,—That there be granted to Her Majesty the sum of Five Thousand Pounds, for rewards and expenses in the capturing, detention, and trial of State Prisoners, subsequent to the commencement of the insurrection, and for the payment of other charges consequent thereon, including the expenses of their imprisonment, and subsistence while in prison.

5th Resolution: £5000 for expenses of capturing, &c. State Prisoners.

In amendment, Mr. Bockus, seconded by Mr. Cook, moves that the words "Five Thousand Pounds" be expunged, and "Three Thousand Pounds" inserted.

Motion to expunge 5000 and to insert £3000.

Which was carried.

Carried

The resolution, as amended, was then put and carried.

Resolution, as amended, carried.

The following Resolutions were severally put and carried:—

6th Resolution.
£600, Casual and extraordinary expenses.

Resolved—That there be granted to Her Majesty the sum of Six Hundred Pounds, to defray the casual and extraordinary expenses.

7th Resolution.
£800, Contingent expenses of Public Offices.

Resolved—That there be granted to Her Majesty the sum of Eight Hundred Pounds, to defray the contingent expenses of the public Offices.

8th Resolution.
£100, Repairs of Government House.

Resolved—That there be granted to Her Majesty the sum of One Hundred Pounds, for the repairs of the Government House.

9th Resolution.
£520, Govern'r Printing.

Resolved—That the sum of Five Hundred and Twenty Pounds, be granted to Her Majesty to defray the expenses of the Government Printing.

10th Resolution.
£700, Printing Statutes.

Resolved—That there be granted to Her Majesty the sum of Seven Hundred Pounds, to defray the expense of printing the Statutes of the Province.

11th Resolution.
£1623 6 3, for arrears of Printing Statutes.

Resolved—That the sum of One Thousand Six Hundred and Twenty-three Pounds Six Shillings and Three Pence, be granted to Her Majesty to pay up the arrears for printing the Statutes of the 1st and 2nd Sessions of the present Parliament.

12th Resolution.
£377 15 8, additional salary of Sol'r General.

Resolved—That there be granted to Her Majesty the sum of Three Hundred and Seventy-seven Pounds Fifteen Shillings and Eight Pence, to pay the additional salary of the Solicitor-General, which shall be in lieu of all fees, travelling expenses, and contingencies.

13th Resolution.
£1200 (including salary) to Attorney General.

Resolved—That such sum be allowed to the Attorney-General of this Province for the present year, as together with his salary, and with his allowance in lieu of all fees as an Officer of the Land Granting Department, and such other sum or sums as he may receive on Fiats and other Instruments, as will be equal to Twelve Hundred Pounds; which sum shall be in lieu of all fees, travelling expenses, and contingencies.

14th Resolution.
£30, deficiency in salary of Jas. Stanton, for 1835-6.

Resolved—That there be granted to Her Majesty the sum of Thirty Pounds, currency, to enable Her Majesty to make up the deficiency of the salary of James Stanton as a Junior Clerk in the Surveyor-General's Office for the years 1835 and 1836.

15th Resolution.
£150, contingent expenses of Surveyor General.

Resolved—That there be granted to Her Majesty the sum of One Hundred and Fifty Pounds, to pay the contingent expenses of the Office of the Surveyor-General.

The sixteenth Resolution was put as follows:—

16th Resolution.
£1480, Salaries of Clerks, &c. Surveyor Gen's office.

Resolved—That there be granted to Her Majesty the sum of Fourteen Hundred and Eighty Pounds, to pay the Salaries of the Senior Surveyor and six Clerks in the Surveyor General's Office.

Amendment moved.

In amendment, Mr. Bockus, seconded by Mr. Cook, moves that all after the word "Resolved" be expunged, and the following inserted:—"That there be granted to Her Majesty the sum of One Thousand Three Hundred and Ten Pounds currency, to enable Her Majesty to pay six Clerks in the Surveyor-General's Office."

Division.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—13.

Messieurs *Aikman, Bockus, Chisholm* of Glengarry, *Cook, Ferrie, Kearnes, McDonell* of Stormont, *McIntosh, Parke, Shaver, Thomson, Thorburn, Woodruff*—13.

N A Y S.

Nays—16.

Messieurs *Burwell, Caldwell, Cartwright, Chisholm* of Halton, *Duncombe, Malloch, McKay, McLean, Merritt, Richardson, Robinson, Ruttan, Rykert, Salmon, Shade, Sherwood*—16.

Amendment lost, majority 3, and resolution adopted.

The question of amendment was decided in the negative by a majority of three, and the Resolution was adopted.

The seventeenth and eighteenth Resolutions were severally put and carried as follows:—

17th Resolution.
£150, Contingent expenses, Inspector Gen'l's office.

Resolved—That there be granted to Her Majesty the sum of One Hundred and Fifty Pounds, to pay the Contingent expenses of the Office of the Inspector General.

18th Resolution.
£500, Clerks in Inspector General's office.

Resolved—That there be granted to Her Majesty the sum of Five Hundred Pounds, to pay the Salaries of two Clerks in the Office of the Inspector General.

The nineteenth Resolution was put as follows:—

10th Resolution.
£370, Clerks in Secretary and Registrar's Office.

Resolved—That there be granted to Her Majesty the sum of Three Hundred and Seventy Pounds, to pay the Salaries of two Clerks in the Office of the Secretary and Registrar.

Amendment moved,
"£200 for one Clerk."

In amendment, Mr. Bockus, seconded by Mr. Cook, moves, that all after the word "Resolved" be expunged, and the following inserted:—

"That there be granted to Her Majesty the sum of Two Hundred Pounds, to enable Her Majesty to pay one Clerk in the Secretary and Registrar's Office."

On which the Yeas and Nays were taken as follows :—

Y E A S.

Messieurs *Aikman, Bockus, Chisholm* of Halton, *Chisholm* of Glengarry, *Cook, Duncombe, Ferrie, Kearnes, Malloch, McDonell* of Stormont, *McIntosh, McKay, Parke, Richardson, Ruttan, Shade, Shaver, Thomson, Thorburn, Woodruff*—20. Yeas—20.

N A Y S.

Messieurs *Burwell, Cartwright, McLean, Merritt, Robinson, Salmon*—6. Nays—6.

The question of amendment was carried in the affirmative by a majority of fourteen. Amendment carried, majority 14.

The original question, as amended, was then put and carried.

Resolved—That there be granted to Her Majesty the sum of Two Hundred Pounds, to enable Her Majesty to pay one Clerk in the Secretary and Registrar's Office. Original question, as amended.

The following Resolutions were severally put and carried :—

Resolved—That there be granted to Her Majesty the sum of Three Hundred Pounds, to pay the Salary of the Deputy Secretary and Registrar. 20th Resolution : £300, Salary of Deputy Secretary and Registrar.

Resolved—That the sum of Two Hundred Pounds be granted to Her Majesty, to pay the contingent expenses of the Receiver General's Office. 21st Resolution : £200, Contingent expenses Receiver Gen'l's Office.

Resolved—That there be granted to Her Majesty the sum of Twenty-five Pounds, to make up a deficiency of Salary to John Ford Maddock, and George Hamilton, Clerks in the Receiver General's Office, up to the 31st December, 1837, and make their Salaries equal to those of Clerks of the third grade in the other public Offices. 22nd Resolution : £25, deficiency in Salary of J. F. Maddock and George Hamilton.

Resolved—That there be granted to Her Majesty the sum of Six Hundred and Seventy Pounds, to pay the Salaries of three Clerks in the Office of the Receiver General. 23rd Resolution : £670, Clerks in Receiver General's Office.

Resolved—That there be granted to Her Majesty the sum of One Hundred and Twenty-five Pounds, to pay the contingent expenses of the Office of the Executive Council. 24th Resolution : £125, Contingent expenses Executive Council office.

The 25th Resolution was put as follows :—

Resolved—That there be granted to Her Majesty the sum of Three Hundred and Forty Pounds, to enable Her Majesty to pay two extra Clerks in the Executive Council Office. 25th Resolution : £340, Extra Clerks, Executive Council Office.

On which the Yeas and Nays were taken as follows :—

Y E A S.

Messieurs *Aikman, Burwell, Cartwright, Chisholm* of Halton, *Kearnes, Malloch, Marks, McDonell* of Stormont, *McKay, McLean, Merritt, Robinson, Ruttan, Rykert, Salmon, Shade, Sherwood, Solicitor-General*—18. Yeas—18.

N A Y S.

Messieurs *Bockus, Chisholm* of Glengarry, *Cook, Duncombe, Ferrie, McIntosh, Parke, Richardson, Shaver, Thomson, Thorburn, Woodruff*—12. Nays—12.

The question was carried in the affirmative by a majority of six, and the Resolution was adopted. Resolution carried, majority 6.

The following Resolutions were severally put and carried :—

Resolved—That there be granted to Her Majesty the sum of Five Hundred Pounds, to pay the Salaries of two Clerks in the Executive Council Office. 26th Resolution : £500, Clerks in Executive Council Office.

Resolved—That there be granted to Her Majesty the sum of One Thousand One Hundred and Ten Pounds, to pay the contingent expenses of the Office of the Lieutenant Governor. 27th Resolution : £1,110, contingent expenses Lt. Governor's Office.

Resolved—That there be granted to Her Majesty the sum of Eight Hundred and Fifty Pounds, to pay the Salaries of four Clerks in the Office of the Lieutenant Governor. 28th Resolution : £850, Clerks in Receiver General's Office.

Resolved—That there be granted to Her Majesty the sum of Two Hundred and Eight Pounds, to pay the Salary of the Secretary to His Excellency the Lieutenant Governor. 29th Resolution : £208, Salary of Civil Secretary.

Resolved—That there be granted to Her Majesty the sum of Twenty-five Pounds, to enable Her Majesty to pay the like sum to William Hust, as a reward for his gallant conduct in capturing a band of rebels, and as compensation for loss of time in consequence of being wounded on that occasion. 30th Resolution : £25, to reward Wm. Hust.

The thirty-first Resolution was put as follows :—

Resolved—That there be granted to Her Majesty the sum of One Hundred Pounds, to enable Her Majesty to pay the sum of Fifty Pounds to Henry Ruttan, Esquire, as Speaker of this House at the commencement of this Session, and the like sum of Fifty Pounds to Honourable A. N. MacNab, the Speaker, for the second Session of this Parliament. 31st Resolution : £50 to Mr. Speaker Ruttan, and £50 to Mr. Speaker MacNab.

Amendment moved to re-commit Bill.

In amendment, Mr. Parke, seconded by Mr. Malloch, moves that the Resolution do not now pass, but that the House do forthwith go into Committee of the whole for the purpose of reconsidering the same.

On which the Yeas and Nays were taken as follows :—

Division.

Y E A S.

Yeas—15.

Messieurs *Burwell*, *Chisholm* of Halton, *Duncombe*, *Malloch*, *McDonell* of Stormont, *McKay*, *McLean*, *Merritt*, *Parke*, *Richardson*, *Rykert*, *Salmon*, *Solicitor-General*, *Thorburn*, *Woodruff*—15.

N A Y S.

Nays—17.

Messieurs *Aikman*, *Bockus*, *Caldwell*, *Cartwright*, *Chisholm* of Glengarry, *Cook*, *Ferrie*, *Gamble*, *Kearnes*, *Marks*, *McIntosh*, *Robinson*, *Ruttan*, *Shade*, *Shaver*, *Sherwood*, *Thomson*—17.

Amendment lost, majority 2.

The question was decided in the negative by a majority of two.

Another Amendment moved.

In amendment, Mr. Ruttan, seconded by Mr. McKay, moves that the Resolution be not now adopted, but that it be amended by striking out the name of Henry Ruttan, Esquire.

On which the Yeas and Nays were taken as follows :—

Division.

Y E A S.

Yeas—8.

Messieurs *Bockus*, *Chisholm* of Glengarry, *Cook*, *Ferrie*, *McIntosh*, *McKay*, *Ruttan*, *Rykert*—8.

N A Y S.

Nays—23.

Messieurs *Aikman*, *Burwell*, *Caldwell*, *Cartwright*, *Chisholm* of Halton, *Duncombe*, *Gamble*, *Kearnes*, *Malloch*, *McDonell* of Stormont, *McLean*, *Merritt*, *Parke*, *Richardson*, *Robinson*, *Salmon*, *Shade*, *Shaver*, *Sherwood*, *Solicitor-General*, *Thomson*, *Thorburn*, *Woodruff*—23.

Amendment lost, majority 15.

The question of amendment was decided in the negative by a majority of fifteen.

On adopting resolution :

On the original question the Yeas and Nays were taken as follows :—

Y E A S.

Yeas—21.

Messieurs *Burwell*, *Caldwell*, *Cartwright*, *Chisholm* of Halton, *Duncombe*, *Gamble*, *Kearnes*, *McDonell* of Stormont, *McIntosh*, *McLean*, *Parke*, *Richardson*, *Robinson*, *Salmon*, *Shade*, *Shaver*, *Sherwood*, *Solicitor-General*, *Thomson*, *Thorburn*, *Woodruff*—21.

N A Y S.

Nays—9.

Messieurs *Aikman*, *Bockus*, *Chisholm* of Glengarry, *Cook*, *Ferrie*, *Malloch*, *McKay*, *Ruttan*, *Rykert*—9.

Carried, majority 12.

The question was carried in the affirmative by a majority of twelve, and the Resolution was adopted.

Message from Legislative Council.

The Master in Chancery brought down from the Honourable the Legislative Council a Message, and having delivered the same at the Clerk's table, retired.

The Message was read by the Speaker, as follows :—

MR. SPEAKER :

Conference requested on resolution on Commission to England.

The Legislative Council request a conference with the Commons House of Assembly with reference to their resolution on the subject of a Commission to England, and have appointed the Honourable Messieurs Markland and Morris to be the Conferees on the part of this House, who will be ready to meet a Committee on the part of the Commons House of Assembly, to-morrow, at the hour of two of the clock, P. M., in the Committee Room of the Legislative Council, for that purpose.

JOHN B. ROBINSON,

Speaker.

Legislative Council Chamber,
Twenty-eighth day of February, 1838. }

On motion of Mr. Sherwood, seconded by Mr. Thomson,

Ordered—That Messrs. McKay, Merritt, Rykert, and Ferrie, be the Conferees to meet the Conferees on the part of the Honourable the Legislative Council, upon the subject of a Commission to England, as requested by the Legislative Council in their Message of this day.

Committee appointed to meet Conferees.

The thirty-second resolution was put as follows:—

Resolved,—That there be granted to Her Majesty the sum of Seven Thousand Seven Hundred Pounds, to enable Her Majesty to grant by way of loan a like sum to complete the construction of a Macadamized Road from the Village of Dundas to the Township of Waterloo, in the Gore District, said loan to be repaid by Tolls to be collected on the said road and the security of the District.

32nd Resolution ; £7,700 for Dundas and Waterloo Road.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Aikman, Burwell, Caldwell, Cartwright, Chisholm* of Halton, *Duncombe, Ferrie, Gamble, Kearnes, Marks, McDonell* of Stormont, *McKay, Merritt, Parke, Richardson, Robinson, Rykert, Salmon, Shade, Sherwood, Solicitor-General, Thomson*—22.

Yeas—22.

N A Y S.

Messieurs *Chisholm* of Glengarry, *Cook, Malloch, McIntosh, McLean, Ruttan, Shaver, Thorburn, Woodruff*—9.

Nays—9.

The question was carried in the affirmative by a majority of thirteen, and the Resolution was adopted.

Resolution carried, majority 13.

The following Resolutions were severally put and carried:—

Resolved—That there be granted to Her Majesty the sum of Nine Pounds Ten Shillings, to enable Her Majesty to pay the like sum to John Farrell, of Brockville, for Provisions furnished needy Emigrants during the year 1832.

33rd Resolution ; £9 10, to remunerate John Farrell.

Resolved—That there be granted to Her Majesty the sum of Twenty-Seven Pounds, to enable Her Majesty to pay that sum to Christopher R. Denham, for labour done and materials furnished or the Public Buildings.

34th Resolution ; £27 to remunerate C. R. Denham.

Resolved—That there be granted to Her Majesty the sum of Nine Pounds, to enable Her Majesty to pay that sum to James FitzGibbon, Esquire, a balance due him as Commissioner for erecting the Public Buildings.

35th Resolution ; £9, to pay balance due James FitzGibbon, Esq.

The thirty-sixth Resolution was put as follows:—

Resolved—That there be granted to Her Majesty the sum of Twenty-five Pounds, to enable Her Majesty to pay that sum to John G. Howard, Architect, for services rendered in the erection of the Public Buildings.

36th Resolution ; £25 to John G. Howard Architect.

In amendment, Mr. Thomson, seconded by Mr. Solicitor-General, moves, that the Resolution do not now pass, but that it be referred to a Committee of the whole House forthwith, for the purpose of expunging the words "Twenty-five Pounds" and inserting "Fifty Pounds."

Amendment moved.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Chisholm* of Halton, *Duncombe, Gamble, Kearnes, Malloch, McKay, Merritt, Parke, Richardson, Robinson, Salmon, Solicitor-General, Thomson, Thorburn*—14.

Yeas—14.

N A Y S.

Messieurs *Aikman, Burwell, Caldwell, Cartwright, Chisholm* of Glengarry, *Cook, Ferrie, Marks, McIntosh, McLean, Merritt, Rykert, Shade, Shaver, Sherwood, Woodruff*—16.

Nays—16.

The question of amendment was decided in the negative by a majority of two, and the Resolution was adopted.

Amendment lost, majority 2, and resolution passed.

The thirty-seventh Resolution was put and carried, as follows:—

Resolved—That there be granted to Her Majesty the sum of Two Hundred and Fifty Pounds, to enable Her Majesty to authorise and direct the expenditure of that sum in the purchase of 500 copies of the Field Evolutions and Exercises of the Army as revised in 1833, and 500 copies of the Non-Commissioned Officer's Manual, containing movements of the company or platoon.

37th Resolution ; £250 to purchase Military Books.

The thirty-eighth Resolution was put as follows :—

38th Resolution ;
£125, Clerk in Adjutant
General's Office.

Resolved—That there be granted to Her Majesty the sum of One Hundred and Twenty-five Pounds, to pay the salary of one Clerk in the Adjutant General's Office.

On which the Yeas and Nays were taken as follows :—

Division.

Y E A S.

Yeas—26.

Messieurs *Aikman, Burwell, Cartwright, Chisholm* of Halton, *Duncombe, Ferrie, Gamble, Kearnes, Malloch, Marks, McDonell* of Stormont, *McKay, McLean, Merritt, Parke, Richardson, Robinson, Ruttan, Rykert, Salmon, Shade, Shaver, Sherwood, Solicitor-General, Thorburn, Woodruff*—26.

N A Y S.

Nays—3.

Messieurs *Chisholm* of Glengarry, *Cook, McIntosh*—3.

Carried, majority 23.

The question was carried in the affirmative by a majority of twenty-three, and the Resolution was adopted.

The thirty-ninth Resolution was put as follows :—

39th Resolution ;
£100 to Thomas Dalton,
for publishing debates.

Resolved—That there be granted to the Clerk of this House, for the purpose of paying Thomas Dalton, Editor and Proprietor of the "Patriot" Newspaper, for publishing the debates of 1833 and 1834, the sum of One Hundred Pounds.

Amendment moved.

In amendment, Mr. Thorburn, seconded by Mr. Cook, moves, that after the word "Resolved" the whole be expunged and the following inserted :—"That there appears on the Journals of 1835 the following Resolution—'That there be granted to Thomas Dalton, Editor of Patriot, for papers furnished the House and for publishing the debates of 1830, 31, and 32, 1833, and 1834, the sum of Seventy-five Pounds, which Resolution was adopted, being Twenty-five Pounds more than recommended by the Select Committee on Printing.'"

Division.

On which the Yeas and Nays were taken as follows :—

Y E A S.

Yeas—5.

Messieurs *Chisholm* of Glengarry, *Cook, McDonell* of Stormont, *McIntosh, Robinson, Shaver, Thorburn, Woodruff*—5.

N A Y S.

Nays—22.

Messieurs *Aikman, Attorney-General, Boulton, Cartwright, Chisholm* of Halton, *Duncombe, Ferrie, Gamble, Kearnes, Malloch, Marks, McKay, McLean, Merritt, Parke, Richardson, Ruttan, Rykert, Salmon, Shade, Sherwood, Solicitor-General*—22.

Amendment lost, majority
14,—resolution adopted.

The question of amendment was decided in the negative by a majority of fourteen, and the resolution was adopted.

The fortieth Resolution was put as follows :—

40th Resolution ;
£350, sick and destitute
in City of Toronto.

Resolved—That the sum of Three Hundred and Fifty Pounds be granted to Her Majesty to enable Her Majesty to advance that sum in aid of the sick, poor, and destitute in the City of Toronto.

On which the Yeas and Nays were taken as follows :—

Y E A S.

Yeas—21.

Messieurs *Attorney-General, Boulton, Burwell, Cartwright, Chisholm* of Glengarry, *Duncombe, Gamble, Kearnes, McDonell* of Stormont, *McIntosh, McLean, Parke, Richardson, Robinson, Ruttan, Salmon, Shaver, Sherwood, Sol. General, Thorburn, Woodruff*—21.

N A Y S.

Nays—8.

Messieurs *Aikman, Cook, Ferrie, Malloch, Marks, McKay, Merritt, Shade*—8.

Carried, majority 13.

The question was carried in the affirmative by a majority of thirteen, and the resolution was adopted.

The forty-first Resolution was put and carried :—

41st Resolution ;
£320, Queen's Counsel.

Resolved—That there be granted to Her Majesty to enable Her Majesty to pay the Queen's Counsel for any services they may have been called upon to perform during the past year, the sum of Three Hundred and Twenty Pounds.

The forty-second Resolution was put as follows :—

Resolved—That there be granted to Her Majesty the sum of £ to enable Her Majesty to pay the expenses attending the Militia General Court Martial in the Newcastle District, for the trial of Colonel Covert. 42nd Resolution; £ —, Expenses of Court Martial at Cobourg.

In amendment, Mr. Boulton, seconded by Mr. Ruttan, moves that the Resolution be not now adopted, but that it be referred to a Committee of Supply forthwith, for the purpose of filling up the blank. Motion to recommit resolution to fill up blank.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Boulton, Cartwright, Chisholm* of Halton, *Gamble, Kearnes, McLean, Parke, Robinson, Ruttan, Sulmon, Solicitor-General, Thomson*—12. Yeas—12.

N A Y S.

Messieurs *Aikman, Burwell, Chisholm* of Glengarry, *Cook, Duncombe, Ferrie, Malloch, Marks, McDonell* of Stormont, *McKay, Merritt, Richardson, Rykert, Shade, Shaver, Sherwood, Woodruff*—17. Nays—17.

The question of amendment was decided in the negative by a majority of five. Amendment lost, majority 5.

The original question was then put and lost. Original question lost.

On motion of Mr. Merritt, seconded by Mr. Shade,

Ordered—That Messrs. Cartwright and Boulton be a Committee to draft and report Bills pursuant to the Resolutions adopted by this House. Committee to draft bills on above resolutions.

Mr. Merritt, seconded by Mr. Shade, moves that Messrs. McKay and Rykert be a Committee to draft and report an Address to His Excellency the Lieutenant Governor, requesting him to transmit the several Addresses of this House to Her Most Gracious Majesty, together with the documents accompanying them, to Her Majesty's Principal Secretary of State for the Colonies, in order that the same may be laid at the foot of the Throne, and that the said Committee do ascertain when His Excellency will be pleased to receive this House with the aforesaid Addresses. Address to transmit Addresses to Her Majesty ordered.

Which was carried and ordered.

Mr. McKay from the Committee to draft the Address, reported a draft, which was received and read twice, and ordered to be engrossed and read a third time this day. Address reported, and read twice.
3rd reading to-morrow.

Mr. Merritt, from the Committee to draft Addresses pursuant to the Resolutions of 23rd ult., reported the draft of an Address to His Excellency the Lieutenant Governor to transmit certain Resolutions of this House to the Receiver and Inspector-Generals, which was received and read twice, and ordered to be engrossed and read a third time this day. Committee to draft Addresses on resolutions of 23rd Feb'y, report draft of Addresses to transmit resolutions to Receiver and Inspector Generals. Address read twice.
3rd reading to-day.

On motion of Mr. Merritt, seconded by Mr. Aikman,

Ordered—That Messrs. Rykert and Sherwood be a Committee to wait upon His Excellency the Lieutenant Governor to know when he will be pleased to receive the Addresses of this House on the subject of dismissing certain defaulters to the Provincial Revenue, and on transmitting Resolutions to the Receiver and Inspector-Generals,—and present the same. Committee to carry up Addresses.

On motion of Mr. Solicitor-General, seconded by Mr. Burwell,

Ordered—That the report of the Select Committee on His Excellency's Message transmitting to this House the Resolutions of the Honourable the Legislative Council of Nova Scotia, be adopted. Report on Message and resolutions from Nova-Scotia, adopted.

Mr. Solicitor-General, seconded by Mr. Burwell, moves that a Message be sent to the Honourable the Legislative Council, with copies of the Resolutions of this House on the subject of the Resolutions of the Honourable the Legislative Council of Nova Scotia, in relation to the state of this Province, requesting their concurrence therein. Message to be sent to Legislative Council, with copies of resolutions on Nova-Scotia.

Which was carried, and Messrs. Solicitor-General and Burwell were ordered by the Speaker to carry up the Message.

5th Report of Finance Committee, and part of 3rd, to be sent to Legislative Council.

Mr. Thorburn, seconded by Mr. Merritt, moves that a copy of so much of the third Report of the Finance Committee as refers to the Post Office Department, together with the fifth Report of said Committee on the same subject, and ordered by this House to accompany the Address to the Queen thereon, be transmitted to the Honourable the Legislative Council by Message.

Which was carried, and Messrs. Thorburn and Merritt were ordered by the Speaker to carry up the Message.

Messages from Legislative Council.

The Master in Chancery brought down from the Honourable the Legislative Council a Message and the Bill entitled,

Lunatic Asylum Bill sent down amended.

“An Act to authorise the erection of a Lunatic Asylum in this Province, and for other purposes therein mentioned,”

to which that Honourable House had made some amendments, and requested the concurrence of this House thereto.

The Message was read by the Speaker as follows:—

MR. SPEAKER :

Message. Conference requested on Adj't General's Salary bill.

The Legislative Council request a Conference with the Commons House of Assembly on the subject matter of the bill sent up from the Commons House of Assembly, entitled *“An Act granting a Salary to the Adjutant General of Militia of this Province, and for other purposes therein mentioned,”* and have appointed the Honourable Messieurs Allan and Adamson to be the Conferees on the part of this House, who will be ready to meet a Committee on the part of the Commons House of Assembly this day, at the hour of three of the clock, in the Committee Room of the Legislative Council for that purpose.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
First day of March, 1838. }

Amendments to Lunatic Asylum Bill read 1st time.

The amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, entitled,

“An Act to authorise the erection of a Lunatic Asylum in this Province, and for other purposes therein mentioned,”

were read the first time, as follows:—

Amendments

Press 1, line 7—Expunge “Clerks of the Peace of the several Districts,” and insert “Court of Quarter Sessions in each District.”

“ 1, “ 25—Expunge “and” and insert “of whom”—after “one” insert “shall be an.”

“ 2, “ 4—After “that” insert “so soon as the said building shall be reported to the Lieutenant Governor by the said Commissioners as sufficiently completed and furnished for the reception of patients.”

“ “ “ 5—After “for” expunge to “the” in line 6.

“ “ “ 6—After “Institution” expunge the whole to “a” in line 10.

“ “ “ 11—After “Province” expunge “whose duty it shall be for two of their number” and insert “and it shall be the duty of the said Board, or of any two members thereof.”

“ “ “ 18—After “that” expunge to “the” in line 19.

“ “ “ 21—After “arrangement” insert “and management.”

“ “ “ 24—Expunge “and the medical man”—after “shall” insert “appoint a superintendent, who shall always reside at the Asylum, and whose duty it shall be to act as Physician to the said Establishment, and to watch over the internal management thereof, and carry into effect, in so far as appertains to his office, the provisions of this Act, and the by-laws of the said Institution, and the said Board shall.”

“ 3, “ 2—After “salaries” add “subject to the confirmation or disallowance of the Lieutenant-Governor—Provided that the salary of the said Superintendent shall not exceed the sum of three hundred pounds per annum.”

“ “ “ 19—After “of” insert “the said person.”

“ 4, “ 3—Expunge “or from the Physician to the Institution.”

“ “ “ 17—After “That” expunge to “the” in line 18, and insert “so often as application shall be made to the said Board for admission into the Asylum of any destitute insane or lunatic person.”

Press 4, line 19—Expunge “or persons.”

Amendments to Lunatic Asylum Bill.

“ “ “ 21—Expunge “or persons.” After “being” expunge “inhabitants” and insert “an inhabitant.”

“ “ “ 22—Expunge “subjects” and insert “subject.”

“ “ “ 23—Expunge “their” and insert “his.”

“ 5 “ 2—Expunge “to” and insert “that may.”

“ “ “ 3—Expunge “or persons.” After “his” expunge “her or their.”

“ “ “ 6—Expunge “or.”

“ “ “ 7—Expunge “persons.”

“ “ “ 8—Expunge “her or their.”

“ “ “ 9—Expunge “or persons”—after “was” expunge “or were.”

“ “ “ 11—Expunge “or persons.”

“ “ “ 12—Expunge “their” and insert “his.”

“ “ “ 15—Expunge “her or their.”

“ “ “ 18—Expunge “or persons.”

“ “ “ 23—Expunge “or persons.”

“ 6 “ 9—Expunge “or persons.”

“ “ “ 10—Expunge “or persons.”

“ “ “ 12—Expunge “or persons.”

“ “ “ 20—After “transmitted” insert “by the said Board as soon as may be after the first Tuesday in November in each year.”

“ “ “ 23—Expunge “account” and insert “copy of said accounts.”

“ 7 “ 8—After “otherwise” expunge to “it” in line 9.

“ “ “ 13—After “that” expunge to “of” in line 18, and insert “it shall and may be lawful to and for the Justices of the Peace of each and every District in this Province, at their General Court of Quarter Sessions next holden after the passing of this Act, to levy by assessment to be made on each and every inhabitant householder within their said several Districts in the same manner and form as by law any assessment may now or hereafter be levied for any public purpose within the same an additional rate or assessment.”

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber,
Twenty-eighth day of February, 1838. }

Pursuant to the order of the day, the bill to vest the Casual and Territorial Revenue in the Legislature, as amended, was read the third time. Bill to vest Casual and Territorial Revenue in the Legislature, read third time.

On the question for passing the bill,

In amendment, Mr. Sherwood, seconded by Mr. Ruttan, moves that the bill do not now pass, but that it be recommitted for the purpose of inserting the allowance requested by Her Majesty’s Government to be made for the support of certain public schools, being one of the conditions upon which the said Revenue was proposed to be surrendered to the Provincial Legislature. Motion to recommit Bill. Division.

On which the Yeas and Nays were taken as follows :—

Division:

Y E A S.

Messieurs *Attorney-General, Burwell, Cartwright, Chisholm* of Glengarry, *Duncombe, Ferrie, Gamble, Kearnes, McDonell* of Northumberland, *McIntosh, McLean, Robinson, Ruttan, Salmon, Sherwood, Thomson*—16. Yeas—16.

N A Y S.

Messieurs *Aikman, Chisholm* of Halton, *Cook, Malloch, Marks, McDonell* of Stormont, *McKay, Merritt, Parke, Rykert, Shade, Shaver, Thorburn, Woodruff*—14. Nays—14.

The question of amendment was carried in the affirmative by a majority of two, and the House was put into a Committee of the whole on the bill. Carried, majority 2, and bill re-committed.

Mr. Woodruff in the chair.

The House resumed.

Reported amended.

The chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-day.

Ordered—That the Bill be read a third time this day.

Messages from Legislative Council.

The Master in Chancery brought down from the Honourable the Legislative Council two Messages, and having delivered the same at the Clerk's table, retired.

The Messages were read by the Speaker, as follows :—

MR. SPEAKER :

Addresses on Post Office, and on additional duty at Quebec, passed Legislative Council.

The Legislative Council have concurred in the several Addresses to Her Majesty sent up to this House ;—On the subject of the Post Office Department—and on the subject of levying an additional two and a half per cent on Goods imported into Lower Canada, now paying an ad valorem duty.

JOHN B. ROBINSON,
Speaker.

*Legislative Council Chamber,
Twenty-eighth day of February, 1838. }*

MR. SPEAKER :

McCormick's pension bill (2nd) passed L. Council.

The Legislative Council have passed the bill sent up from the Commons House of Assembly entitled "*An Act granting a pension to Sheppard McCormick,*" without any amendment.

JOHN B. ROBINSON,
Speaker.

*Legislative Council Chamber,
First day of March, 1838. }*

On motion of Mr. Robinson, seconded by Mr. Solicitor-General,

Committee appointed to meet Committee of Conference on Adj't General's Salary Bill.

Ordered—That the request of the Honourable the Legislative Council for a conference on the Adjutant General's Salary Bill be acceded to, and that Messrs. Sherwood, Rykert, Boulton, and Salmon, be a Committee from this House for that purpose.

Select Com. on Message, &c. on Welland Canal, present report.

Mr. Bockus, from the Select Committee to which was referred the Message of His Excellency the Lieutenant Governor, with documents relating to the Welland Canal, presented a report, which was received and read, as follows :—

To the Honourable the Commons House of Assembly.

Report.

The Select Committee to whom was referred the Message of His Excellency the Lieutenant-Governor, and the documents accompanying the same, respecting the Welland Canal, report as follows :—

The Committee directed their attention principally to the Report of Messrs. Baird and Killaly, civil engineers, who were employed by the Board of Directors of the Welland Canal Company to carry into effect the provisions of an Act passed during the first Session of the Provincial Parliament, which required a careful and correct survey of the Welland Canal, in order to select the best route before undertaking the permanent completion of that work.

These gentlemen have personally surveyed the whole of the present route, as well as the other routes which have by some been thought preferable ; and, after having done this, and availed themselves of all the information they could obtain from others who were competent to form an opinion, they have come decidedly to the conclusion that the present route (with some alterations) is the one which the Province ought to adhere to.

Your Committee, therefore, do not deem it necessary to do more than draw the attention of this House to the Report of the Engineers, and to the necessity of adopting measures for completing, in a permanent manner, the Welland Canal, with as little delay as a due regard to economy and the efficiency of the work will permit.

All which is respectfully submitted.

W. B. ROBINSON,
Chairman.

Committee Room, House of Assembly, }
1st March, 1838.

On motion of Mr. Robinson, seconded by Mr. Rykert,

Ordered—That the Report of the Select Committee on the Welland Canal be referred to a Committee of the whole House this day.

Report referred to Com. of whole to-day.

Mr. Solicitor-General, from the Select Committee to which was referred the Bill to determine the authority of the Heir and Devisee Commissioners, presented a Report, which was received and read.

Select Committee on Heir and Devisee Commissioners Bill, present report.

(REPORT—See *Appendix*.)

Mr. Burwell, seconded by Mr. Chisholm of *Halton*, moves for leave to bring in a Bill to provide for the Presentation Swords to Colonel Macnab and Captain Drew; and that the 31st Rule of this House be dispensed with so far as relates to the same.

Motion for leave to bring in a bill granting swords to Messrs MacNab and Drew.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Boulton, Burwell, Caldwell, Cartwright, Chisholm of Halton, Chisholm of Gleggarry, Duncombe, Ferrie, Malloch, McKay, Merritt, Parke, Richardson, Robinson, Ruttan, Rykert, Salmon, Shade, Solicitor-General, Thomson*—20.

Yeas—20.

N A Y S.

Messieurs *Cook, Kearnes, McDonell of Stormont, McIntosh, Shaver, Thorburn, Woodruff*—7.

Nays—7.

The question was carried in the affirmative by a majority of thirteen, and the bill was read the first time.

Carried, majority 13, and bill read 1st time.

On the question for the second reading of the Bill to-morrow,

In amendment, Mr. Burwell, seconded by Mr. Chisholm of *Halton*, moves that the Bill to provide for the Presentation Swords to Colonel Macnab and Captain Drew be read the second time forthwith, and that the 40th Rule of this House be dispensed with so far as relates to the same.

Which was carried, and the Bill was read the second time.

Bill read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Robinson in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The Report was received.

Mr. Burwell, seconded by Mr. Chisholm of *Halton*, moves, that the bill be engrossed and read a third time this day.

3rd reading to-day.

Which was carried and ordered.

Mr. Burwell, seconded by Mr. Salmon, moves that he have leave to bring in a Bill to provide for Common Schools for the year 1838, and that the 31st Rule of this House be dispensed with in so far as relates to the same.

Common School Bill for 1838, brought in.

Which was granted, and the Bill was read the first time.

Mr. Burwell, seconded by Mr. Thomson, moves that the Common School Bill be now read a second time, and that the 40th Rule of this House be dispensed with so far as relates to the same.

Which was carried, and the bill was read the second time.

Bill read second time and committed.

The House was put into a Committee of the whole on the bill.

Mr. Thomson in the chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

Reported amended.

The Report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Committee to draft bills on Supply resolutions, report five drafts.

Mr. Cartwright, from the Committee to draft and report bills pursuant to the Resolutions from Supply, reported the drafts of five bills.

The Report was received.

Supply Bill read 1st time.

The Bill to defray the Expenditure of the Civil Government for the year 1838 was read the first time.

On the question for the second reading of the bill to-morrow,

In amendment, Mr. Cartwright, seconded by Mr. Sherwood, moves that the Bill of Supply be read a second time forthwith, and that the 40th rule of this House be dispensed with so far as relates to the same.

Bill read 2nd time and committed.

Which was carried, and the Bill was read the second time.

The House was put into a committee of the whole on the Bill.

Mr. Shaver in the Chair.

The House resumed.

Reported without amendment.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Penitentiary support bill read first time.

The bill to provide for the maintenance of the Provincial Penitentiary was read the first time.

On the question for the second reading of the bill to-morrow,

In amendment, Mr. Cartwright, seconded by Mr. Sherwood, moves that the Bill providing for the support of the Provincial Penitentiary be read a second time forthwith, and that the 40th rule of this House be dispensed with so far as relates to the same.

Bill read second time and committed.

Which was carried, and the Bill was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. McDonell *of Stormont* in the chair.

The House resumed.

Reported without amendment.

The chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed, and read a third time to-morrow.

Dundas and Waterloo Road Bill read first time.

The bill granting a further sum of money to macadamize the Dundas and Waterloo road was read the first time.

On the question for the second reading of the Bill on to-morrow,

In amendment, Mr. Shade, seconded by Mr. Chisholm *of Halton*, moves that the bill for completing the macadamization of the Dundas and Waterloo road be read a second time forthwith, and that the 40th rule of this House be dispensed with so far as relates to the same.

Bill read second time and committed.

Which was carried, and the bill was read the second time.

The House was put into a Committee of the whole on the bill.

Mr. McLean in the chair.

The House resumed.

Reported without amendment.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

The report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

The bill granting a sum of money for the relief of the poor and destitute in the City of Toronto, was read the first time.

Bill to relieve poor and destitute of Toronto, read first time.

On the question for the second reading of the Bill to-morrow,

In amendment, Mr. Solicitor-General, seconded by Mr. Shaver, moves that the bill be read a second time forthwith, and that the 40th rule of this House be dispensed with so far as relates to the same.

Which was carried and the bill was read the second time.

Bill read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Cook in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow.

3rd reading to-morrow.

The bill granting a sum of money for the purchase of certain books on military evolutions, &c., was read the first time.

Bill to purchase Military Books read first time.

On the question for the second reading of the Bill to-morrow,

In amendment, Mr. Solicitor-General, seconded by Mr. Shaver, moves that the bill be read a second time forthwith, and that the 40th rule of this House be dispensed with as regards the same.

Which was carried, and the bill was read the second time.

Bill read second time and committed.

The House was put into a Committee of the whole on the bill.

Mr. Boulton in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow.

3rd reading to-morrow.

Mr. Sherwood, from the Committee of Conference with the Honourable the Legislative Council, on subject of the Bill, entitled,

Committee of Conference on Adj't General's salary bill, report reasons of L. Council for requesting conference.

"An Act granting a Salary to the Adjutant General of Militia of this Province, and for other purposes therein mentioned"—

reported the following:—

"The Legislative Council have requested this Conference with the Commons House of Assembly upon the Bill, entitled, 'An Act granting a Salary to the Adjutant General of Militia of this Province, and for other purposes therein mentioned'—for the purpose of suggesting to the Assembly, whether it might not be preferable to make a proportionate increase to the Salary of the Adjutant General and Assistant Adjutant General, by making the Salary of the former Five Hundred Pounds, and of the latter Three Hundred Pounds per annum."

Reasons.

Pursuant to the order of the day, the amendments made by the Honourable the Legislative Council, in and to the Bill sent up from this House, entitled,

Amendments to Bill to postpone sale of lands for taxes, read 2nd time and committed.

"An Act to postpone the Sale of Lands in arrear for Taxes, and to amend the Law relative to the Sale of such Lands"—

was read the second time.

The House was put into a committee of the whole on the amendments.

Mr. Salmon in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to the amendments, and submitted them for the adoption of this House.

The Report was received and the amendments were read the third time and passed.

Read third time and passed.

Messrs. Robinson and McKay were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the amendments.

Bill to appoint Commission on Losses by the Rebellion, brought in.

Mr. Robinson, seconded by Mr. Boulton, moves for leave to bring in a Bill authorizing the Lieutenant Governor to appoint a Board of Commissioners to investigate the various claims which may be made for remuneration for losses sustained by the inhabitants of this Province during the late rebellion, and to provide for the payment of the same; and that the 31st Rule of this House be dispensed with so far as relates to the same.

Which was granted, and the Bill was read the first time.

On the question for the second reading of the Bill to-morrow,

In amendment, Mr. Robinson, seconded by Mr. Solicitor-General, moves, that the Bill be read a second time forthwith, and that the 40th Rule be dispensed with so far as relates to the same.

Bill read second time and committed.

Which was carried, and the Bill was read the second time.

The House was put into a committee of the whole on the Bill.

Mr. McKay in the chair.

The House resumed.

Committee rises.

The Chairman reported that the Committee had risen.

The Report was received.

Bill to vest Casual and Territorial Revenue in the Legislature, read third time.

Pursuant to the order of the day, the Bill to vest the Casual and Territorial Revenue in the Legislature, as amended, was read the third time.

On passing,

On the question for passing the Bill, the Yeas and Nays were taken as follows:—

Y E A S.

Yea—22.

Messieurs *Aikman, Caldwell, Chisholm* of Halton, *Chisholm* of Glengarry, *Cook, Duncombe, Dunlop, Ferrie, Gamble, Kearnes, McDonell* of Stormont, *McKay, McLean, Merritt, Parke, Richardson, Rykert, Salmon, Shade, Shaver, Sherwood, Thomson*,—22.

N A Y S.

Nay—7.

Messieurs *Boulton, Burwell, Cartwright, McIntosh, Robinson, Ruttan, Solicitor-General*—7.

Carried, majority 15.

The question was carried in the affirmative by a majority of fifteen, and the Bill was passed.

Title.

Mr. Merritt, seconded by Mr. McKay, moves that the bill be entitled—

“*An Act to regulate the future Appropriation of the Casual and Territorial Revenue, and to provide a sum for the Support of the Civil Government of the Province, and for other purposes therein mentioned.*”—

which was carried; and Messrs. Merritt and McKay were ordered by the Speaker to carry the bill up to the Hon. the Legislative Council, and request their concurrence thereto.

Address to transmit Addresses to Her Majesty read 3rd time and passed.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor to transmit the several Addresses of this House to Her Majesty was read the third time and passed, and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

Address.

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly pray Your Excellency to be pleased to transmit to Her Majesty's Principal Secretary of State for the Colonies, the several Addresses of this House to Her Most Gracious Majesty, on the subject of the recent aggression of citizens of the United States into this Province, with the Resolutions thereon; on the subject of the Trade and Commerce of this Province, with Resolutions; on the Union and Political State of the Provinces of Upper and

Lower Canada, with Resolutions, and Report of a Select Committee on those subjects; on the repeal of an Act of the Imperial Parliament, respecting Bills of Credit, so far as the same affects this Province; on the share due this Province on certain Imports at the Port of Quebec; on transferring to the Debentures of this Province certain moneys now funded in England; and on transferring certain charges on the Casual and Territorial Revenue to the Clergy Reserve Fund—in order that the same may be laid at the foot of the Throne.

Commons House of Assembly, }
1st March, 1838.

ALLAN N. MACNAB,
Speaker.

Mr. McKay, from the Committee of Conference with the Honourable the Legislative Council on the subject of the Resolutions sent up from this House relative to sending Commissioners to England, reported that a paper had been presented to them by the Committee on the part of the Honourable the Legislative Council, which is as follows:—

Committee of Conference on resolution on sending Commissioners to England, report reasons of L. Council for requesting conference.

Your Committee respectfully recommend that the Committee of Conference on the part of this House upon the subject of sending a Commission to England, be instructed to represent to the Conferees on the part of the House of Assembly:—

Reasons of L. Council for requesting conference on resolution respecting Commission to England.

That in the reports of both branches of the Legislature upon the state of the Province, and the Addresses to Her Majesty founded thereupon, the fullest information has been given upon the present political condition of the two Provinces of Upper and Lower Canada; and the several practicable measures for re-establishing tranquillity upon a firm basis for the future, have been largely commented upon and brought under the consideration of Her Majesty's Government.

That although the Legislative Council consider it absolutely necessary that some measure should be adopted for the purpose of remedying the evils arising out of the state of Lower Canada, and feel the utmost solicitude respecting the decision of the Imperial Government on that subject, yet they hope they may rely on that Government that no measure deeply affecting the interests of this Province will be adopted without affording its inhabitants an opportunity of being heard upon a subject of such vital consequence. That in order to ensure such a course, and when Her Majesty's Government shall have matured and prepared their intended measure, that the people of this Province may be afforded an opportunity of advancing their opinions, an Address of the Legislative Council to Her Majesty has been adopted, praying that Her Majesty will be graciously pleased not to come to any final decision without their knowledge.

That the sending to England a Commissioner to represent this Province may hasten to a conclusion measures which would otherwise lie over during the recess of the Imperial Parliament, and thereby defeat the anxious desire of the Legislative Council that ample time should be afforded for calm consideration during a period not interrupted by the excitement of Legislation.

That for these reasons the Legislative Council do not think the present time most proper for sending a Commissioner to England, and wish to submit their views to the House of Assembly for their concurrence, should they deem a postponement of the present Mission most advisable.

That had these reasons not occurred to the Legislative Council, however high their consideration for the Honourable Member chosen by the Assembly, they could not have felt any certain assurance that he would concur in all their views on so important a subject, and should have deemed it indispensable that a Member of their Honourable House should also proceed to England in order to express their opinions relative to the interests of this Province.

Legislative Council Chamber, }
1st March, 1838.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor, praying him to transmit certain Resolutions to the Receiver and Inspector Generals, was read the third time and passed, and is as follows:—

Address to transmit resolutions to Receiver and Inspector Generals, read 3rd time and passed.

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

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request Your Excellency to be pleased to transmit to the Receiver and Inspector-Generals of this Province, the accompanying Resolutions adopted by this House—also to the Inspector-General the annexed recommendation reported by the Committee on Finance.

Address.

Commons House of Assembly, }
1st March, 1838.

ALLAN N. MACNAB,
Speaker.

Bill authorizing issue of Provincial Notes, read second time and committed.

Pursuant to the order of the day, the Bill to authorise the issuing of Provincial Notes was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Cook in the chair.

The House resumed.

Reported amended.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

The Report was received.

On 3d reading to-morrow,

On the question for the third reading of the bill to-morrow, the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—17.

Messieurs *Aikman, Boulton, Caldwell, Cartwright, Duncombe, Ferrie, Kearnes, McDonell* of Stormont, *McLean, Merritt, Ruttan, Rykert, Shade, Shaver, Sherwood, Thomson, Thorburn*—17.

N A Y S.

Nays—8.

Messieurs *Attorney-General, Burwell, Chisholm* of Glengarry, *Cook, Gamble, McIntosh, Robinson, Solicitor-General*—8.

Carried, majority 9.

The question was carried in the affirmative by a majority of nine, and the bill was ordered to be engrossed and read a third time to-morrow.

At five o'clock, the House adjourned for two hours.

The House met again pursuant to adjournment.

On 3rd reading MacNab and Drew swords bill being called,

On the order of the day for the third reading of the bill granting a sum of money for the purchase of swords for Colonel McNab and Captain Drew being called,

Amendment moved, to appoint Committee to search Journals of Leg. Council on the matter.

In amendment, Mr. Sherwood, seconded by Mr. Rykert, moves, that the Bill be not read a third time this day, but that the Journals of the Honourable the Legislative Council upon the subject of the Bill be searched, in order to ascertain what proceedings that Honourable House has taken in the matter; and that Messrs. Boulton and McKay do compose a Committee to search the same.

Carried.

Which was carried, and ordered.

Bill to appoint Commission on Losses (2nd) brought in.

Pursuant to notice, Mr. Richardson, seconded by Mr. Rykert, moves for leave to bring in a bill to provide for the appointment of Commissioners to investigate claims for losses sustained by certain inhabitants of this Province during the late unnatural rebellion.

Which was granted, and the Bill was read the first time.

On the question for the second reading of the Bill to-morrow.

In amendment, Mr. Richardson, seconded by Mr. Rykert, moves, that the Bill authorising the appointment of Commissioners to investigate claims for losses sustained by certain inhabitants of this Province, during the late unnatural rebellion, be read a second time this day, and that the 40th Rule of this House be dispensed with so far as relates to the same.

Bill read second time and committed.

Which was carried, and the Bill was read the second time.

The House was put into a committee of the whole on the Bill.

Mr. McLean in the chair.

The House resumed.

Reported amended.

The chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Mr. Robinson, seconded by Mr. Gamble, moves for leave to bring in a Bill to provide for continuing the improvement of the front or lake Road, and that the 31st Rule of this House be dispensed with so far as relates to the same. Lake Road improvement bill brought in.

Which was granted, and the Bill was read the first time.

On the question for the second reading of the Bill to-morrow,

In amendment, Mr. Robinson, seconded by Mr. Gamble, moves, that the Bill be read a second time forthwith, and that the 40th Rule of this House be dispensed with so far as relates to the same.

Which was carried; and the Bill was read the second time. Bill read second time and committed.

The House was put into a Committee of the whole on the Bill.

Captain Dunlop in the chair.

The House resumed.

The chairman reported that the committee had agreed to the Bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The Report was received.

Ordered—That the bill be engrossed, and read a third time to-morrow. 3rd reading to-morrow.

Pursuant to to the order of the day, the House was again put into a Committee of the whole on the Address to Her Majesty, praying Her Majesty to assent to the Erie and Ontario Bank Bill. Address to assent to Erie and Ontario Bank Bill, again committed.

Mr. McIntosh in the chair.

The Speaker resumed the chair on a question of order.

The Speaker left the chair.

The Chairman resumed the Chair of Committee.

The House resumed.

The Chairman reported that the Committee had amended the Address, and submitted it for the adoption of the House. Reported amended.

The report was received, and the Address was ordered to be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Pursuant to the order of the day, the bill to restrain private Banking was read the second time. Bill to restrain private Banking, read 2nd time and committed.

The House was put into a Committee of the whole on the bill.

Mr. Parke in the chair.

The House resumed.

The Chairman reported that the Committee had risen for want of a quorum.

P R E S E N T :

Messieurs *Aikman, Bockus, Boulton, Cartwright, Chisholm* of Halton, *Cook, Dunlop, Malloch, McIntosh, McKay, McLean, Merritt, Parke, Richardson, Ruttan, Rykert, Salmon, Shade, Shaver, Thorburn*—20. No Quorum.

At eleven o'clock, P. M., the Speaker declared the House adjourned for want of a quorum.

Friday, 2nd March, 1838.

The House met.

The minutes of yesterday were read.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to restrain Private Banking. Bill to restrain private Banking, again committed.

Mr. Malloch in the chair.

The Speaker resumed the chair to receive a Message.

Speaker submits expedi-
ency of proceeding with
3rd reading of Bills
forthwith.

Mr. Speaker submitted to the House, that, in order that the Legislative Council might be furnished with the several bills ordered for a third reading this morning, in sufficient time for their consideration before the prorogation of the Legislature, it was expedient that they should be read a third time forthwith;—and,

Common School Bill for
1838, read third time
and passed.

Pursuant to the order of the day, the Bill to provide for the support of Common Schools for the year 1838, was read the third time and passed.

Mr. Burwell, seconded by Mr. Thomson, moves that the bill be entitled—

Title. “*An Act granting a sum of Money for the Support of Common Schools for the year 1838.*”

Which was carried; and Messrs. Burwell and Thomson were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Supply Bill read 3rd time
and passed.

Pursuant to the order of the day, the Bill to provide for the Support of the Civil Government, for the year 1838, was read the third time and passed.

Mr. Boulton, seconded by Mr. Robinson, moves that the Bill be entitled—

Title. “*An Act granting a certain sum of Money to defray the Expenses of the Civil Government for the year 1838, and for other purposes therein mentioned.*”

Which was carried; and Messrs. Boulton and Robinson were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Penitentiary support bill
read 3rd time and passed.

Pursuant to the order of the day, the bill to provide for the support and management of the Provincial Penitentiary was read the third time and passed.

Mr. Solicitor-General, seconded by Mr. Robinson, moves that the bill be entitled,

Title. “*An Act to make further provision for the support and regulation of the Provincial Penitentiary.*”

Which was carried, and Messrs. Solicitor-General and Robinson were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Dundas and Waterloo
Road Bill read 3rd time
and passed.

Pursuant to the order of the day, the bill to provide for the completion of the Dundas and Waterloo macadamized road was read the third time and passed.

Mr. Shade, seconded by Mr. Chisholm *of Halton*, moves that the bill be entitled,

Title. “*An Act granting a sum of money to complete the Dundas and Waterloo macadamized Road, and for other purposes therein mentioned.*”

Which was carried, and Messrs. Shade and Chisholm *of Halton* were ordered by the Speaker to carry the bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Bill to relieve the poor
and destitute of Toronto,
read 3rd time and passed.

Pursuant to the order of the day, the bill to provide for the relief of the poor and destitute in the City of Toronto was read the third time.

On passing,

On the question for passing the bill the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—26.

Messieurs *Bockus, Boulton, Burwell, Chisholm of Halton, Chisholm of Glengarry, Cook, Duncombe, Gamble, Kearnes, McDonell of Stormont, McIntosh, McLean, Merritt, Parke, Richardson, Robinson, Ruttan, Rykert, Salmon, Shade, Shaver, Sherwood, Solicitor-General, Thomson, Thorburn, Woodruff*—26.

N A Y S.

Nays—4.

Messieurs *Aikman, Ferrie, Malloch, Marks*—4.

The question was carried in the affirmative by a majority of twenty-two, and the bill was passed. Carried, majority 22.

Mr. Solicitor-General, seconded by Mr. Richardson, moves, that the Bill be entitled,

"An Act to afford Relief to the Sick and destitute Poor of the City of Toronto." Title.

Which was carried, and Messrs. Solicitor-General and Robinson were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Bill to provide for the purchase of certain works on Military Evolutions, for the use of the Militia, was read the third time. Bill to purchase Military Books, read third time.

On the question for passing the Bill, the Yeas and Nays were taken as follows:— On passing,

Y E A S.

Messieurs *Aikman, Boulton, Burwell, Caldwell, Chisholm* of Halton, *Chisholm* of Glengarry, *Duncombe, Ferrie, Gamble, Kearnes, Malloch, Marks, McDonell* of Stormont, *McLean, Merritt, Parke, Richardson, Robinson, Ruttan, Salmon, Shaver, Sherwood, Solicitor-General, Thomson, Thorburn, Woodruff*—26. Yeas—26.

N A Y S.

Messieurs *Bockus, Cook, McIntosh, Rykert*—4. Nays—4.

The question was carried in the affirmative by a majority of twenty-two, and the Bill was passed. Carried, majority 22.

Mr. Solicitor-General, seconded by Mr. Robinson, moves, that the Bill be entitled,

"An Act to provide for the purchase of certain Books for the use and instruction of the Militia of this Province." Title.

Which was carried, and Messrs. Solicitor-General and Robinson were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Bill to authorize the issuing of Provincial Notes was read the third time and passed. Provincial Notes Bill read 3rd time and passed.

Mr. Merritt, seconded by Mr. Cartwright, moves, that the Bill be entitled,

"An Act to authorize the issuing Bills on the Credit of this Province." Title.

Which was carried, and Messrs. Merritt and Cartwright were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Bill to authorize the appointment of Commissioners to investigate the claims for losses during the late rebellion, was read the third time and passed. Bill to appoint Commission on Losses (3rd) read 3rd time and passed.

Mr. Richardson, seconded by Mr. Rykert, moves, that the Bill be entitled,

"An Act to authorise the appointment of Commissioners to investigate the claims of certain inhabitants of this Province for Losses sustained during the late unnatural rebellion." Title.

Which was carried, and Messrs. Richardson and Rykert were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Bill to continue the improvement of the Lake Road, West of Toronto, was read the third time. Lake Road Improvement bill, read third time.

On the question for passing the Bill,

In amendment, Mr. Thomson, seconded by Mr. McIntosh, moves, that the Bill do not now pass, but that it be re-committed forthwith. Motion to recommit Bill.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs *McIntosh, Thomson*—2. Yeas—2.

N A Y S.

Nays—26. Messieurs *Aikman, Bockus, Boulton, Burwell, Caldwell, Cartwright, Chisholm* of Halton, *Cook, Duncombe, Ferrie, Gamble, Kearnes, Malloch, Marks, McDonell* of Stormont, *McLean, Parke, Richardson, Robinson, Ruttan, Salmon, Shade, Shaver, Sherwood, Solicitor-General, Thorburn*—26.

Amendment lost, majority 24. The question of amendment was decided in the negative by a majority of twenty-four.

Rider moved. In amendment, Mr. Thomson, seconded by Mr. McIntosh, moves that the bill do not now pass, but that the following be added as a rider:—

And be it further enacted by the authority aforesaid, That nothing in this Act contained shall be construed to extend to authorise the Justices aforesaid to expend a greater sum than seven hundred pounds on the said Lake Shore Road."

Division. On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—5. Messieurs *Cook, Malloch, McIntosh, Solicitor-General, Thomson*—5.

N A Y S.

Nays—23. Messieurs *Aikman, Bockus, Boulton, Burwell, Caldwell, Cartwright, Chisholm* of Halton, *Duncombe, Ferrie, Gamble, Kearnes, Marks, McDonell* of Stormont, *Merritt, Parke, Richardson, Robinson, Ruttan, Rykert, Salmon, Shaver, Sherwood, Woodruff*—23.

Lost majority 18. The question of amendment was decided in the negative by a majority of eighteen.

On passing. On the question for passing the bill the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—26. Messieurs *Aikman, Bockus, Boulton, Burwell, Caldwell, Cartwright, Chisholm* of Halton, *Cook, Duncombe, Ferrie, Gamble, Kearnes, Malloch, Marks, McDonell* of Stormont, *McLean, Merritt, Parke, Richardson, Robinson, Ruttan, Rykert, Salmon, Shaver, Solicitor-General, Woodruff*—26.

N A Y S.

Nays—2. Messieurs *McIntosh, Thomson*—2.

Carried, majority 24. The question was carried in the affirmative by a majority of twenty-four, and the bill was passed.

Mr. Robinson, seconded by Mr. Gamble, moves that the Bill be entitled—

Title. "*An Act to provide for continuing the Improvement of the Lake Road west of the City of Toronto.*"

Which was carried; and Messrs. Robinson and Gamble were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Motion to request free conference on Adjutant General's salary bill. Mr. Burwell, seconded by Mr. McDonell of *Northumberland*, moves that a free conference be requested with the Honourable the Legislative Council on the subject of the Adjutant-General's Salary Bill; and that Messrs. Sherwood, Boulton, Rykert, and Robinson be the conferees on the part of this House to meet the conferees of the Honourable the Legislative Council at such time and place as that Honourable House may appoint.

Division. On which the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—21. Messieurs *Bockus, Boulton, Burwell, Cartwright, Duncombe, Gamble, Kearnes, Malloch, Marks, McDonell* of Stormont, *McIntosh, McLean, Parke, Richardson, Robinson, Ruttan, Rykert, Salmon, Shaver, Solicitor-General, Thorburn*—21.

N A Y S.

Messieurs *Aikman, Chisholm* of Halton, *Cook, Merritt, Shade, Thomson, Woodruff*—7.

Nays—7.

The question was carried in the affirmative by a majority of twenty-one, and ordered accordingly.

Carried, majority 14.

The Committee of the whole on the bill to restrain private Banking then resumed.

Committee of whole on bill to restrain private Banking resumes.

Mr. Malloch in the Chair.

The House resumed.

The chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House.

Reported amended.

The Report was received.

On the question for the third reading of the bill to-morrow,

In amendment, Mr. Richardson, seconded by Mr. Robinson, moves that the private Banking Bill be not read a third time to-morrow, but that it be read a third time this day, and that the 40th rule of this House be dispensed with so far as relates to the same.

Which was carried, and the Bill was ordered to be engrossed and read a third time this day.

3rd reading to-day.

The Master in Chancery brought down from the Honourable the Legislative Council two Messages, and having delivered the same at the Clerk's table, retired.

Messages from Legislative Council.

The Messages were read by the Speaker, as follows :—

MR. SPEAKER :

The Legislative Council have passed the Bill, entitled, "*An Act to authorize the levying an additional Tax on the Inhabitants of the County of Simcoe, and for the purposes therein mentioned*"—without any amendment.

Simcoe Tax Bill passed.

Legislative Council Chamber, }
Second day of March, 1838. }

JOHN B. ROBINSON,
Speaker.

MR. SPEAKER :

The Legislative Council have acceded to the request of the Commons House of Assembly for a free Conference on the subject of the Bill sent up to this House, entitled, "*An Act granting a Salary to the Adjutant General of Militia of this Province, and for other purposes therein mentioned*"—and have appointed the Honorable Messrs. Allan and Morris to manage the Conference on the part of this House, who will be ready to meet the Committee appointed on the part of the Commons House of Assembly this day, at three of the clock, P. M., in the Committee Room of the Legislative Council, for that purpose.

Free Conference on Adj't General's salary bill acceded to.

Legislative Council Chamber, }
Second day of March, 1838. }

JOHN B. ROBINSON,
Speaker.

Mr. McKay, seconded by Mr. Merritt, moves that it be—

Resolved—That a Message be sent to the Honourable the Legislative Council, informing that Honourable body that this House does not concur in the report of the Conferrees on the subject of sending Commissioners to England, but it is still of opinion that the present is the fit and proper time to represent to Her Majesty's Government and the Imperial Parliament, by Commissioners from this Province, the wants and wishes of the inhabitants of this Colony, when it is in contemplation to make great and serious alterations in the Government of Lower Canada, which must necessarily affect the best interests of this Province. That as two Commissioners have recently been sent to England by the British population of Lower Canada, it is in the opinion of this House incumbent upon this Province to send likewise to England gentlemen of known ability who may watch over the interests of the inhabitants of this portion of the dominions of our Sovereign.

Motion for Message to L. Council on Resolution respecting mission to England.

That to carry these views into effect, it is deemed necessary by this House that one of its members should proceed to England, and this House also requests that the Honourable the Legislative Council do concur therein, and that that Honourable Body be solicited to send a Commissioner to England with the Commissioner appointed by this House.

Amendment moved.

In amendment, Mr. Robinson, seconded by Mr. Bockus, moves, that all in the original motion be expunged, and the following inserted:—

“*Resolved*—That in the opinion of this House it is not expedient, under existing circumstances, to send Colonial Agents to England, because in the present unsettled state of both Upper and Lower Canada, it is impossible to foresee what changes the events of the next six months may render necessary for their future Government; because we have reason to believe that the successor to Lord Gosford in Lower Canada will receive instructions from the Home Government relative to the policy to be pursued by him, which it is essential this House should be made acquainted with; and because both branches of the Legislature of this Province have reported at great length on the state of the Provinces, and pointed out various measures for the consideration of Her Majesty’s Government in as full a manner as could be done by an Agent or Agents;—and because in the present state of our finances it is inexpedient to grant so large a sum as would be necessary to pay the expenses of an Agency, unless great and obvious advantage is sure to be the result. And because, in the opinion of this House, if an Agent to England is thought necessary, the interests of this Province would be better promoted by appointing one resident Agent in England for one or more years, as may be found necessary.”

Division.

On which the Yeas and Nays were taken as follows:—

Yeas—8.

Y E A S.

Messieurs *Bockus, Chisholm* of Glengarry, *Cook, Kearnes, McIntosh, Robinson, Ruttan, Shaver*—8.

Nays—21.

N A Y S.

Messieurs *Boulton, Burwell, Cartwright, Chisholm* of Halton, *Duncombe, Gamble, Marks, McDonell* of Northumberland, *McDonell* of Stormont, *McKay, Merritt, Parke, Richardson, Rykert, Salmon, Shade, Sherwood, Solicitor-General, Thomson, Thorburn, Woodruff*—21.

Lost, majority 13.

The question of amendment was decided in the negative by a majority of thirteen.

On original question,

On the original question the Yeas and Nays were taken as follows:—

Yeas—18.

Y E A S.

Messieurs *Attorney-General, Boulton, Burwell, Cartwright, Chisholm* of Halton, *Duncombe, Marks, McDonell* of Northumberland, *McDonell* of Stormont, *McKay, Merritt, Parke, Richardson, Rykert, Salmon, Shade, Thorburn, Woodruff*—18.

Nays—11.

N A Y S.

Messieurs *Bockus, Chisholm* of Glengarry, *Cook, Gamble, Kearnes, McIntosh, Robinson, Ruttan, Shaver, Sherwood, Thomson*—11.

Carried, majority 7.

The question was carried in the affirmative by a majority of seven, and ordered accordingly.

Messages from Legislative Council.

The Master in Chancery brought down from the Honourable the Legislative Council two Messages and the Bill entitled,

Township Officers Bill sent down amended.

“*An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers,*”

to which that Honourable House had made some amendments, and requested the concurrence of this House thereto.

The Messages were read by the Speaker, as follows:—

Messages.

MR. SPEAKER:

Resolutions respecting Resolutions of L. C. of Nova-Scotia, adopted by Legislative Council.

The Legislative Council have adopted the Resolutions on the subject of the Resolutions of the Honourable the Legislative Council of Nova Scotia in relation to the state of this Province.

JOHN B. ROBINSON,

Legislative Council Chamber, }
First day of March, 1838. }

Speaker.

Address to transmit Address, sent down for concurrence.

MR. SPEAKER:

The Legislative Council have passed the accompanying Address to His Excellency the Lieutenant Governor, and request the concurrence of the Commons House of Assembly therein.

JOHN B. ROBINSON,

Legislative Council Chamber, }
First day of March, 1838. }

Speaker.

The Address to His Excellency, sent down by the Legislative Council, was read twice, and ordered for a third reading to-morrow.

Address read twice.
3rd reading to-morrow.

The amendments made by the Honourable the Legislative Council in and to the bill sent up from the House entitled,

Amendments to
Township Officers Bill,
read first time.

"An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers,"

were read the first time, as follows:—

Press 1, line 4—After "courses and" insert "to repeal."

" " " 7—Expunge "Township" and insert "Town."

" " " 16—After "That" expunge the remainder of the clause, and insert "An Act passed in the fifth year of the Reign of King William the Fourth entitled, 'An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the Reign of William the Fourth, chapter twelve, entitled, 'An Act to regulate line fences and water courses, and to repeal so much of an Act passed in the thirty-third year of the Reign of His late Majesty King George the Third entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province' as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads'"—An Act passed in the sixth year of the Reign of King William the Fourth entitled, 'An Act to amend and extend the provisions of an Act passed during the last Session of the Provincial Legislature, entitled, 'An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township Officers in this Province except an Act passed in the Fourth year of the Reign of William the Fourth, chapter twelve, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the Reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province' as relates to the Office of Fence Viewers being discharged by Overseers of Highways and Roads'"—and an Act passed in the seventh year of the Reign of King William the Fourth, entitled, 'An Act to amend the laws for the appointment of Parish and Township Officers'—Provided always that any prior Act or enactment repealed by any of the Acts hereinbefore recited shall be and remain repealed."

Amendments.

" 2 " 3—After "giving" insert "not less than."

" " " 12—After "Township" insert "out of the limits of any Incorporated Town, or Town having Police Regulations."

" 3 " 1—After "giving" expunge "ten" and insert "at least eight." After "notice" insert "by affixing the same in at least three public places within the said Parish, Township, or Place."

" " " 4—Expunge "ten" and insert "twelve." After "o'clock" expunge "in the forenoon" and insert "noon."

" " " 15—Expunge "ten," and insert "twelve." After "o'clock," expunge "in the forenoon," and insert "noon."

" 4 " 4—After "Township" insert "Provided the complaint shall be made to the Court having jurisdiction of similar offences within three months thereafter, unless it shall appear to the Court that the person so offending shall not have had his vote objected to at the time of his voting, and that the offence was committed through his ignorance of the Law upon this subject."

" 4 " 20—After "meeting" insert "nor shall be elected to serve in any Township office oftener than once in three years, unless he shall consent thereto."

" 6 " 11—After "to" expunge "take the Oath of Office" and insert "subscribe the declaration in the Clerk's Book, as hereinafter provided."

" 7 " 16—After "shall" insert "subscribe the said declaration in the Clerk's Book, and."

" " " 21—After "year" expunge to the end of line 24.

" 9 " 4—After "over" expunge "to the order of any Magistrates" and insert "according to Law."

" " " 9—Expunge "dated at."

" " " 16—Expunge "not expressly provided for by Law."

" " " 21—Expunge "&c." and insert "and such other matters connected with the Township as may tend to promote the peace and welfare of the Township."

" 10 " 1—After "Township" expunge the whole to "and also" in 3rd line.

" " " 11—After "lots" insert "or parts thereof."

" " " 13—After the words "and the" insert "sitting of the."

" " " 21—After the words "of the said" insert "Court of."

Amendments to Township Officers Bill.

- Press 10 line 22—After “aforesaid” insert “to be by the said Clerk of the Peace laid before the Court of Quarter Sessions at its said sitting, and shall also, within the time aforesaid, put up a correct copy thereof in some conspicuous place within the Township for the inspection of the inhabitants.”
- “ “ “ 23—Expunge “Township” and insert “Division.”
- “ 11 “ 2—After the word “Roll” insert “to the Clerk of the Peace.”
- “ “ “ 24—After “Peace” insert “who shall charge the expense of the same in his Account against the District.”
- “ 12 “ 7—After “meeting” insert “which new Assessors so appointed shall be notified by the Clerk of the Peace of their appointment, and shall proceed to take such Assessment and make their Returns to the Clerk of the Peace as hereinbefore provided, in one Month after having been so notified, and shall sign the Declaration in the Clerk’s Book, and the Collectors shall lodge their Bond, as required by this Act, before the sitting of the Court of General Quarter Sessions next after the first day of July in each year.”
- “ 13 “ 2—After “mentioned” insert “the securities to which Bond shall be Freeholders, and as such certified by the Town Clerk to be good and sufficient.”
- “ “ “ 9—After “first” insert “day.”
- “ 14 “ 7—Expunge the words “according to law” and insert “as hereinafter provided.”
- “ 15 “ 13—After “division” insert “which divisions the Magistrates acting within the division are hereby authorised and empowered to make at a Special Sessions by them for that purpose to be holden on or before the third Saturday in the month of April in each year; of which Special Sessions at least six days’ public notice shall be given by putting up the same in at least three public places within each Township.” After “order” expunge to “notify” in line 14.
- “ 16 “ 18—After “Act” insert “Provided always that nothing herein contained shall affect any provision in any Act passed for macadamizing certain roads within this Province.”
- “ “ “ 21—Expunge “or contracror.”
- “ 17 “ 1—Expunge “or contractor.”
- “ 19 “ 4—After “Land” insert “or other Lands which shall be occupied by a resident settler.”
- “ “ “ 6—After “such” expunge “enclosure” and insert “land.”
- “ 20 “ 10—After “oath” insert “which oath any Magistrate of the District is hereby authorised to administer.”
- “ 22 “ 16—After “aforesaid” insert “and not claimed before the expiration of fifteen days as aforesaid.”
- “ 24 “ 1—Expunge “Resolutions” and insert “regulations.”
- “ “ “ 10—After “labour” add to the clause, “Provided always that the owner of any animal or animals not permitted to run at large by the regulations of such Township Meeting shall be liable for any damage done by such animal or animals, notwithstanding that the Fence enclosing the premises was not of the height required by the said regulations.”
- “ 26 “ 16—After “to” expunge to “the said” in line 18, and insert “authorise the collector for the current year to collect.”

Add to the Bill,—41. *And be it further enacted by the authority aforesaid,—That it shall be the duty of the Assessors of each and every Parish, Township, or Place, within this Province, to make out a Schedule of all Lands within the same not included in their several Assessment Rolls, and they shall sign and deliver the same to the Clerks of the Peace of the several Districts, along with the Assessment Rolls, for the information of the Treasurer, in the following form :—*

Schedule of Land in the Township of _____ in the District of _____, not inserted in the Assessment Roll of said Township for the year _____ :

Lots, or Parts of Lots.	Concession.	Number of Acres.

42. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Town Wardens of any Township, legally appointed according to the provisions of this Act, to compound or agree with any person or persons resident in the Township, for making, in a permanent and sub-*

stantial manner, any part of any public Road within their Township, in lieu of his or their Statute labour, which he or they may be by Law required to perform in the Township, for any number of years not exceeding five, which agreement shall be committed to writing, and signed by the parties, and thereupon it shall be binding on the Town Wardens, and their successors, and the other person or persons being a party to such Agreement; and, upon the due performance and completion of such Agreement, the person or persons performing the same shall be exempt from all Statute labour in the Township for the full term of time agreed upon as aforesaid.

Amendments to
Township Officers Bill.

43. *Provided always, and be it further enacted by the authority aforesaid,*—That in case any person or persons, after having subscribed to any Agreement as aforesaid, shall neglect or refuse to perform the same in the manner and within the time specified in such Agreement, he or they shall be liable to the like penalty that persons are by this Act who refuse or neglect to perform their Statute labour.
44. *And be it further enacted by the authority aforesaid,*—That if it shall happen that any person or persons shall enter into an agreement with the Town Wardens as aforesaid, and in pursuance of such agreement make a part or the whole of the road required by such agreement, but upon which there will arise a dispute between the Town Wardens making the agreement or their successors and the other party thereto touching the fulfilment of such agreement, such dispute shall and may be submitted to three overseers of highways acting in the Township for the year, and such three overseers of highways shall be drawn by a public and impartial ballot from the whole list of overseers of highways acting in the Township for the year,—which ballot shall be made by the Township Clerk, who shall give the two contending parties due notice of the time and place where such ballot shall take place; and it shall be the duty of such Clerk to appoint a time and place for the meeting of such overseers of highways so balloted—giving them, and also the parties to such dispute, at least eight days' notice; and thereupon it shall be the duty of such overseers of highways to meet, and, after having the said agreement submitted to them, and examining the premises, to make such award as to them shall appear just and right; which award shall be binding on the parties and be final.
45. *And be it further enacted by the authority aforesaid,*—That it shall be the duty of the Clerk of the Peace in every District to make out a general return of the population of his District from the several returns which he may receive from the Assessors for the year, and to transmit the same to the office of the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, on or before the first day of July in each and every year; and if such return shall not contain the whole population of his District, he shall send in a Return of such Townships as may be deficient, as soon as practicable after he shall be enabled to do so by returns of the Assessors of such Townships.
46. *And be it further enacted by the authority aforesaid,*—That if any person, whose name is inserted upon such Assessment Roll, shall neglect or refuse to pay the sum or rate for which he or she stands rated in manner aforesaid, for the space of fourteen days after demand duly made of the same by the said Collector, or his agent duly appointed, the said Collector, upon oath before one Magistrate, of such demand and refusal of payment as aforesaid, shall be entitled to demand an execution for the amount of such rate or rates, which execution the said Magistrate is hereby authorised and required to grant; and upon receipt of the same the said Collector shall, and he is hereby authorised and required to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, having eight days' previous notice of such sale, in three public places in the Township, and render the overplus (if any there be) to the owner thereof, after deducting the amount of the rates assessed and the legal charges of the distress and sale.
47. *And be it further enacted by the authority aforesaid,*—That the Constable to whom any warrant, execution, or summons may be directed, authorised to be issued by this Act, shall be entitled to the following fees, and no more, for executing such warrant, execution, or summons, viz.: Fourpence per mile for every mile he may have to travel to execute the same, which travel shall be verified upon oath if required; and for levying, advertising, selling, and making returns, two shillings and six pence; for every summons served, eightpence.
48. *And be it further enacted by the authority aforesaid,*—That the Town Wardens appointed by this Act for their respective Townships, and their successors duly appointed, shall be as a Corporation to represent the whole inhabitants of the Township for which they are Town Wardens, and as such may have and hold the property of, or belonging to, the Township, and shall and may sue, prosecute, or defend in all presentments, indictments, or actions, for and on behalf of the said Township.

Amendments to
Township Officers Bill.

49. *And be it further enacted by the authority aforesaid,*—That if any one to whom an oath or affirmation may be administered under the provision of this Act, shall wilfully swear or affirm falsely, such false swearing or affirmation shall be deemed wilful and corrupt perjury, and the person guilty thereof shall and may be prosecuted and punished therefor as for wilful and corrupt perjury.
50. *Provided always, and be it further enacted by the authority aforesaid,*—That in case it shall be necessary to repair any sudden breach which may be caused in any public highway by reason of any bridge or causeway giving way, or from any other casualty, or to remove any obstruction on account of snow, or to fix or set up beacons or stakes as a guide for travellers over any frozen waters, marsh, plain, or other place, it shall and may be lawful for the overseer or overseers of highways in whose Division the same may occur, and they are hereby required, to repair, remove, or establish, as aforesaid, or cause the same to be done, by applying any money in their hands and applicable to the roads and unappropriated, or to direct the application (for that purpose) of any Statute Labour subject to their control; and in case it shall happen that such overseer or overseers shall not at the time have any money or Statute Labour under his direction which he may apply for the purposes aforesaid, it shall and may be lawful for such overseer to direct any person in his Division, and liable to perform Statute Labour, to repair such breach, remove such obstruction, or erect such guides as aforesaid; and such overseer shall keep an account of the number of days any person or persons may work on the roads for the purposes aforesaid, which account such overseer shall transmit to the Clerk of the Township to be laid before the Town Wardens of the Township; and the said Town Wardens, after examining the said account, if it shall appear just and expedient, may exempt any person who may have worked as aforesaid from performing any part of his or her Statute Labour for the next year, and shall give such person as aforesaid a writing to that effect, which shall be taken and considered by the overseer under whose direction such person may be liable to work, and credited to such person for so much of his Statute Labour; and any person who shall neglect or refuse to perform such labour or obey the orders of the overseer when required to work as aforesaid, shall be liable to the same penalties, and which may be recovered and disposed of in the same way and manner as is provided by this Act for neglecting to perform Statute Labour, or disobeying the Overseer of Highways, except such person can make it appear that he had a reasonable excuse for so doing; and provided also, that the said overseer shall, and he is hereby required, to proportion such labour among the several persons within his division liable to perform Statute Labour as nearly equal as circumstances will permit.
51. *And be it further enacted by the authority aforesaid,*—That the following fee, and no more, shall and may by such Collectors be taken for every distress, advertising, and sale, *viz.*: Three Shillings and Ninepence.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
First day of March, 1838. }

On the question for the second reading of the amendments to-morrow,

2nd reading of amend-
ments to-day.

In amendment Mr. Cartwright, seconded by Mr. Marks, moves, that the amendments of the Honourable the Legislative Council to the Township Officers' Bill be read a second time this day, and that the 40th Rule of this House be dispensed with so far as relates to the same.

Which was carried and ordered.

Address to assent to Erie
and Ontario Bank Bill,
&c., read third time.

Pursuant to the order of the day, the Address to Her Majesty, praying Her to assent to the Erie and Ontario Bank Bill, and the Prince Edward District Bank Bill, was read the third time.

On question for passing:

On the question for passing the Address,

Amendment moved.

In amendment, Mr. Robinson, seconded by Mr. Solicitor-General, moves, that the Address do not now pass, but that it be resolved that it is expedient to address Her Majesty to grant a Charter for a Provincial Bank, which shall be the only authorised Bank of issue in this Province, and which shall, under proper regulations and securities, give a credit in its paper to such Banks of discount and deposit as may from time to time be established.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs *Boulton, Burwell, Chisholm* of Glengarry, *Marks, McLean, Robinson, Shade*,
Solicitor-General—8. Yeas—8.

N A Y S.

Messieurs *Aikman, Attorney General, Bockus, Cartwright, Chisholm* of Halton, *Cook, Duncombe, Gamble, Kearnes, Malloch, McDonell* of Stormont, *McIntosh, McKay, Merritt, Parke, Richardson, Ruttan, Rykert, Salmon, Shaver, Sherwood, Thomson, Thorburn, Woodruff*—24. Nays—24.

The question of amendment was decided in the negative by a majority of sixteen. Amendment lost, majority 16.

In amendment, Mr. Solicitor-General, seconded by Mr. Burwell, moves that the Address do not now pass, but that it be resolved, that at this late period of the Session the general question of Banking cannot be discussed and satisfactorily disposed of; and that experience has shown that the manner in which the paper circulation of this Province should be regulated is not sufficiently matured, and that it is not consistent with the interests of the Province that any other Banks should be chartered or brought into operation, until the general policy by which all our Banking business should be governed, is fully settled and understood. Another amendment moved.

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Boulton, Burwell, Chisholm* of Glengarry, *Gamble, Malloch, McKay, McLean, Robinson, Salmon, Solicitor-General*—10. Yeas—10.

N A Y S.

Messieurs *Aikman, Bockus, Cartwright, Chisholm* of Halton, *Cook, Duncombe, Kearnes, Marks, McDonell* of Stormont, *McIntosh, Merritt, Parke, Richardson, Rykert, Shaver, Sherwood, Thomson, Thorburn, Woodruff*—19. Nays—19.

The question of amendment was decided in the negative by a majority of nine. Amendment lost, majority 9.

In amendment Mr. Sherwood, seconded by Mr. Boulton, moves that the Address do not now pass, but that the House do forthwith resolve itself into a Committee of the whole, for the purpose of adding the following:—
“Also a Bill entitled ‘An act to establish a Bank at Brockville, in the District of Johnstown,’—also a Bill entitled ‘An Act to establish a Loan and Trust Company at Brockville, in the District of Johnstown;’ also a Bill entitled ‘An Act to incorporate sundry persons under the style and title of the Niagara District Bank.’” Another Amendment moved.

On which the Yeas and Nays were taken, as follows:—

Division.

Y E A S.

Messieurs *Boulton, Cartwright, Duncombe, Richardson, Shaver, Sherwood*—6. Yeas—6.

N A Y S.

Messieurs *Aikman, Attorney-General, Bockus, Burwell, Chisholm* of Glengarry, *Cook, Gamble, Kearnes, Malloch, Marks, McDonell* of Stormont, *McIntosh, McKay, McLean, Merritt, Parke, Robinson, Ruttan, Rykert, Salmon, Solicitor-General, Thomson, Thorburn*—23. Nays—23.

The question of amendment was decided in the negative by a majority of seventeen. Amendment lost, majority 17.

In amendment, Mr. Richardson, seconded by Mr. Sherwood, moves that the Address do not now pass, but that it be recommitted for the purpose of including the different Banking Bills passed during the first Session of Parliament, and the Trust and Loan Bill, which were reserved for the Royal Assent. Motion to recommit the Address.

Division.	On which the Yeas and Nays were taken as follows :—
	Y E A S.
Yeas—12.	Messieurs <i>Aikman, Burwell, Cartwright, Chisholm</i> of Halton, <i>Duncombe, Kearnes, McIntosh, Merritt, Parke, Richardson, Shaver, Sherwood, Thomson</i> —12.
	N A Y S.
Nays—14.	Messieurs <i>Attorney-General, Bockus, Chisholm</i> of Glengarry, <i>Cook, Gamble, Malloch, McDonell</i> of Northumberland, <i>McLean, Robinson, Ruttan, Rykert, Salmon, Solicitor-General, Thorburn</i> —14.
Lost, majority 2.	The question of amendment was decided in the negative by a majority of two.
On passing,	On the original question, the Yeas and Nays were taken as follows :—
	Y E A S.
Yeas—12.	Messieurs <i>Aikman, Bockus, Chisholm</i> of Halton, <i>Cook, Duncombe, McDonell</i> of Stormont, <i>McIntosh, Merritt, Parke, Rykert, Thomson, Thorburn</i> —12.
	N A Y S.
Nays—15.	Messieurs <i>Attorney-General, Burwell, Chisholm</i> of Glengarry, <i>Gamble, Kearnes, Malloch, McDonell</i> of Northumberland, <i>McLean, Richardson, Robinson, Ruttan, Salmon, Shaver, Sherwood, Solicitor-General</i> —15.
Lost, majority 3.	The question was decided in the negative by a majority of three.
Committee of conference on Adjutant General's salary bill, present report.	Mr. Sherwood, from the Committee of Conference with the Honourable the Legislative Council, on the subject of the Bill, entitled, <i>"An Act granting a Salary to the Adjutant General of Militia of this Province, and for other purposes therein mentioned"</i> — reported the following :—
Report.	The Committee of Conference on the part of this House, upon the subject of the Adjutant General's Bill, beg leave to report that they proceeded to the Committee Room of the Honourable the Legislative Council, where they met the Committee on the part of that Honourable House. That the managers, on the part of the Legislative Council, acquainted your Committee of the mistake of the House of Assembly in asking a <i>free</i> Conference, when there had been but one Conference in the matter, which being admitted by Your Committee, the Conference proceeded. Your Committee informed the Conferrees on the part of the Legislative Council, that, in their opinion, the House of Assembly did not feel disposed to grant a less sum than £600 per annum to the Adjutant General, nor did the Assembly feel disposed to increase the Salary of the Assistant Adjutant General at the present time. That the Conference then terminated with the expression of an opinion on the part of the Conferrees of the Honourable the Legislative Council, that probably the Council would accede to the bill in its present shape.
Petition of G. Myers and 17 others, read.	Pursuant to the order of the day, the petition of George Myers, and seventeen others, of the Township of Ancaster, District of Gore, praying aid for a Road, was read.
Select Com. on petition of Camp and Murray, present report.	Mr. Robinson, from the Select Committee to which was referred the petition of H. N. Camp and William Murray, presented a Report, which was received and read as follows :—
Report.	<i>To the Honourable the Commons House of Assembly.</i> The Select Committee, to whom was referred the Petition of Messrs. Camp and Murray, beg leave to report as follows :— Your Committee do not see what relief the Legislature can give the Petitioners until it is made to appear that the legal remedy which these gentlemen certainly have against the Welland Canal Company is found unavailing. With respect to the withholding the sum of £200, your Committee cannot believe, that, if the facts are as stated in the Petition, and the Directors of the Welland Canal Company are made aware of the legal claim of Messrs. Camp and Murray to receive all money awarded to them as partners, without deducting any previous debt due the Company by H. N. Camp individually—they will not hesitate to pay it over to them without delay.

There being no documents before your Committee to show that any materials have been furnished to the Welland Canal Company by Messieurs Camp and Murray, or that the said Company have refused to pay for any work done, or materials actually delivered, your Committee can see no reason to interfere between the parties, as the Welland Canal Company are legally liable for all their engagements, and can be prosecuted in the Courts of Law, if necessary, the same as individuals.

All which is respectfully submitted.

WM. B. ROBINSON,
Chairman.

Committee Room, House of Assembly, }
2nd March, 1838.

Mr. Cartwright, from the Committee to draft and report Bills pursuant to the resolutions from supply, of yesterday, reported the drafts of several Bills.

Committee to draft bills from Supply, report five drafts.

The Report was received.

The Bill granting a sum of money to erect a Dwelling-house for the Light-house keeper at Point Peter, was read the first time.

Bill to erect dwelling house for Point Peter Light-house keeper, read first time.

On the question for the second reading of the Bill to-morrow,

In amendment, Mr. Bockus, seconded by Mr. Thorburn, moves, that the Bill be read a second time this day, and that the 40th Rule of this House be dispensed with so far as relates to the same.

Which was granted, and the Bill was read the second time.

Bill read second time and committed.

The House was put into a Committee of the whole on the bill.

The Attorney-General in the chair.

The House resumed.

The chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The Report was received.

Ordered—That the Bill be engrossed, and read a third time to-morrow.

3rd reading to-morrow.

The Bill to pay certain sums due to individuals for work done on the Parliament Buildings, was read the first time.

Bill to pay for work done in Parliament Buildings, read first time.

On the question for the second reading of the bill to-morrow,

In amendment, Mr. Bockus, seconded by Mr. Thorburn, moves, that the Bill be read a second time forthwith, and that the 40th Rule of this House be dispensed with so far as relates to the same.

At 5 o'clock the House adjourned for two hours.

The House met again, pursuant to adjournment.

Mr. Bockus's motion was put and carried, and the Bill was read the second time.

Bill read second time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Cartwright in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House.

Reported without amendment.

The report was received.

Ordered—That the bill be engrossed, and read a third time to-morrow.

3rd reading to-morrow.

The Bill to reward William Hust was read the first time.

Hust's remuneration bill read first time.

On the question for the second reading of the Bill to-morrow,

In amendment, Mr. Bockus, seconded by Mr. Thorburn, moves, that the Bill be read a second time forthwith, and that the 40th Rule be dispensed with so far as relates to the same.

Which was carried, and the Bill was read the second time.

Bill read second time and committed.

The House was put into a committee of the whole on the Bill.

Mr. Sherwood in the chair.

The House resumed.

Reported without amendment.

The chairman reported that the committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Farrell's remuneration bill read first time.

The Bill to remunerate John Farrell was read the first time.

On the question for the second reading of the Bill to-morrow,

In amendment, Mr. Cartwright, seconded by Mr. Sherwood, moves, that the Bill to remunerate John Farrell be read a second time forthwith, and that the 40th rule of this House be dispensed with so far as relates to the same.

Bill read second time and committed.

Which was carried, and the Bill was read the second time.

The House was put into a committee of the whole on the Bill.

Mr. Rykert in the chair.

The House resumed.

Reported without amendment.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The Report was received.

3rd reading to-morrow.

Ordered—That the Bill be engrossed and read a third time to-morrow.

St. Lawrence improvement bill read first time.

The Bill granting a further sum of money to improve the Navigation of the River Saint Lawrence, was read the first time.

On the question for the second reading of the Bill to-morrow,

In amendment, Mr. Sherwood, seconded by Mr. Merritt, moves, that the Bill be read a second time forthwith, and that the 40th Rule of this House be dispensed with so far as relates to the same.

Bill read second time and committed.

Which was carried; and the Bill was read the second time.

On question for committing the bill,

On the question for the House to go into a Committee of the whole on the Bill,

Amendment moved.

In amendment, Mr. Sol.-General, seconded by Mr. Malloch, moves that the House do not resolve itself into a Committee on this Bill, but that it be *Resolved*, That in the present state of the Revenues of this Province it is most unwise to increase the public debt thereof for the purpose of making a further expenditure on the improvement of the St. Lawrence, until provision is made for the continuation of the improvement of the navigation within the limits of Lower Canada, and means are provided for meeting the interest by the imposition of duties for that purpose on imports from Sea.

Division.

On the which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—12.

Messieurs *Boulton, Dunlop, Kearnes, Malloch, McIntosh, McKay, Parke, Richardson, Ruttan, Salmon, Solicitor-General, Woodruff*—12.

N A Y S.

Nays—18.

Messieurs *Aikman, Bockus, Cartwright, Chisholm of Halton, Chisholm of Glengarry, Cook, Ferrie, Gamble, Marks, McDonell of Stormont, Merritt, Robinson, Rykert, Shade, Shaver, Sherwood, Thomson, Thorburn*—18.

Amendment lost, majority 6.

The question of amendment was decided in the negative by a majority of six.

On original question,

On the original question the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—20.

Messieurs *Aikman, Bockus, Cartwright, Chisholm of Halton, Chisholm of Glengarry, Cook, Ferrie, Gamble, Marks, McDonell of Stormont, Merritt, Parke, Robinson, Rykert, Shade, Shaver, Sherwood, Thomson Thorburn*—20.

N A Y S.

Messieurs *Boulton, Dunlop, Kearnes, Malloch, McIntosh, McKay, Richardson, Ruttan, Salmon, Solicitor-General, Woodruff*—11. Nays—11.

The question was carried in the affirmative by a majority of nine, and the House was put into a Committee of the whole on the bill. Carried, majority 9, and Bill committed.

Mr. Rykert in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The report was received.

Ordered—That the Bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

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 which was referred the Message of His Excellency the Lieutenant Governor, with the documents respecting the Welland Canal. House in Committee on Report on Message with Report on Welland Canal.

Mr. Aikman in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to several Resolutions, which he was directed to submit for the adoption of the House. Resolutions reported.

The Report was received.

The first Resolution was put, as follows :—

Resolved,—That it is expedient to complete the Welland Canal, in a permanent manner, with the least possible delay. 1st Resolution.

On which the Yeas and Nays were taken as follows :— Division.

Y E A S.

Messieurs *Aikman, Bockus, Boulton, Cartwright, Chisholm of Halton, Ferrie, Gamble, Marks, McDonell of Stormont, Merritt, Parke, Robinson, Rykert, Salmon, Shade, Shaver, Sherwood, Thomson, Woodruff*—19. Yeas—19.

N A Y S.

Messieurs *Cook, Kearnes, Malloch, McIntosh, McKay, Richardson, Ruttan, Thorburn*—8. Nays—8.

The question was carried in the affirmative by a majority of eleven, and the resolution was adopted. Carried, majority 11.

The second Resolution was put, as follows :—

Resolved, That in order to effect the object in the foregoing Resolution the present line of Canal should be kept in repair, materials collected, and all future erections made on the route recommended and scale estimated by Messrs. Baird and Killaly as nearly as may be found practicable or advisable on a more minute examination. 2nd Resolution.

On which the Yeas and Nays were taken as follows :— Division.

Y E A S.

Messieurs *Aikman, Bockus, Boulton, Cartwright, Chisholm of Halton, Cook, Ferrie, Gamble, Marks, McDonell of Stormont, Merritt, Parke, Robinson, Rykert, Salmon, Shaver, Sherwood, Thomson, Woodruff*—19. Yeas—19.

N A Y S.

Messieurs *Kearnes, Malloch, McIntosh, McKay, Richardson, Ruttan, Thorburn*—7. Nays—7.

The question was carried in the affirmative by a majority of twelve, and the resolution was adopted. Carried, majority 12.

The third Resolution was put as follows :—

Resolved,—That it is inexpedient to enlarge the Welland Canal for Steam Boat Navigation. 3rd Resolution.

On which the Yeas and Nays were taken, as follows :— Division.

Y E A S.

Yeas—15. Messieurs *Aikman, Bockus, Cartwright, Chisholm* of Halton, *Ferrie, Gamble, Malloch, McIntosh, Merritt, Parke, Robinson, Rykert, Salmon, Shade, Shaver*—15.

N A Y S.

Nays—10. Messieurs *Boulton, Cook, Kearnes, Marks, McDonell* of Stormont, *Richardson, Ruttan, Sherwood, Thorburn, Woodruff*—10.

Carried, majority 5. The question was carried in the affirmative by a majority of five, and the Resolution was adopted.

The fourth Resolution was put as follows:—

4th Resolution. *Resolved*,—That an Address be sent to Her Majesty on the importance of making Port Dalhousie a suitable and safe harbour for Steam Boats and Vessels of War, and praying Her Majesty to grant a sum of money for that purpose.

Division. On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—29. Messieurs *Aikman, Bockus, Boulton, Chisholm* of Halton, *Cook, Ferrie, Gamble, Marks, McDonell* of Stormont, *Merritt, Parke, Robinson, Ruttan, Rykert, Salmon, Shaver, Sherwood, Thomson, Thorburn, Woodruff*—20.

N A Y S.

Nays—4. Messieurs *Kearnes, Malloch, McIntosh, Richardson*—4.

Carried, majority 16. The question was carried in the affirmative by a majority of sixteen, and the Resolution was adopted.

On motion of Mr. Robinson, seconded by Mr. Merritt,—

Committee to draft Bill and Address on Resolutions. *Ordered*—That Messrs. Sherwood and Rykert be a Committee to draft and Report a Bill and Address, pursuant to the foregoing resolutions.

Address and draft of Bill to determine route of Welland Canal, reported. Mr. Sherwood, from the Committee to draft a Bill and Address pursuant to the foregoing resolutions, reported the drafts of a Bill and an Address to Her Majesty.

The Report was received.

Bill read first time. The Bill was read the first time.

2nd reading to-morrow. *Ordered*—That the Bill to determine the route of the Welland Canal be read a second time to-morrow.

Address on Port Dalhousie read first time. The Address to Her Majesty was read the first time, and ordered for a second reading to-morrow.

Amendments to Township Officers Bill, read second time and committed. Pursuant to the order of the day, the amendments made by the Hon'ble the Legislative Council in and to the Bill sent up from this House, entitled, "*An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers*"—

were read the second time.

The House was put into a committee of the whole on the amendments.

Mr. Sherwood in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the amendments, and submitted them for the adoption of the House.

The Report was received.

3rd reading to-morrow. *Ordered*—That the amendments be read a third time to-morrow.

Adjourned.

Saturday, 3rd March, 1838.

The House met.

On motion of Mr. Robinson, seconded by Mr. Burwell,

Ordered—That there be a call of the House this day, at twelve o'clock, noon. Call of house at 12 o'clock, noon.

The minutes of yesterday were read.

Pursuant to the order of the day, at twelve o'clock, noon, the House was called. House called.

MEMBERS ABSENT.

MESSIEURS AIKMAN, ALWAY, ARMSTRONG, ATTORNEY-GENERAL, CAMERON, CHISHOLM, of <i>Glengarry</i> , CORNWALL, DETLOR, (with leave.) ELLIOTT, (on military duty.) FERRIE, GOWAN, HOTHAM, (sick.) JARVIS, LEWIS, (sick.) MANAHAN, MATHEWSON, (sick.) McDONELL, of <i>Glengarry</i> , (on military duty.) McMICKING, (sick.) MOORE, MORRISON, MORRIS, NORTON, (with leave.) POWELL, PRINCE, (on military duty.) RICHARDSON, SHADE, SOLICITOR-GENERAL, WICKENS, (with leave.)	Members absent.
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Mr. Boulton, seconded by Mr. Cartwright, moves, that Messrs. Aikman, Attorney-General, Chisholm of *Glengarry*, Solicitor-General, Ferrie, and Shade, members of this House, having absented themselves without leave, when much important business was before the House, and at a time when there was a very thin House, owing to vacancies in the representation, and other causes, it be *Resolved*, That the Speaker do issue his warrant to the Sergeant at Arms to apprehend the said Members, and to bring them to the Bar of this House forthwith. Motion to bring certain members to the bar.

On which the Yeas and Nays were taken as follows:— Division.

YEAS.

Messieurs *Boulton, Burwell, Cartwright, Chisholm* of Halton, *Dunlop, Gamble, Kearnes, Malloch, Marks, McDonell* of Northumberland, *McDonell* of Stormont, *McIntosh, McLean, Parke, Robinson, Rykert, Salmon, Sherwood, Woodruff*—19. Yeas—19.

NAYS.

Messieurs *Caldwell, Cook, Duncombe, McKay, Merritt, Richardson, Ruttan, Shaver, Thorburn*—9. Nays—9.

The question was carried in the affirmative by a majority of ten, and ordered accordingly. Carried, majority 10.

On motion of Mr. McKay, seconded by Mr. Merritt,

Ordered—That Messrs. Rykert and Chisholm of *Halton* be a Committee to examine the Journals of the Honourable the Legislative Council upon the subject of appointing Commissioners to go to England. Committee appointed to search Journals of Leg. Council on Resolution respecting mission to England.

Bill to restrain private Banking, read 3rd time.

Pursuant to the order of the day, the Bill to restrain Private Banking was read the third time.

Amendment moved.

On the question for passing the bill,

In amendment, Mr. Sherwood, seconded by Mr. Bockus, moves that the bill do not now pass, but that the following be added to the first clause, "in which suit the said George Truscott and John Cleveland Green, or either of them, are or may be plaintiff, or in which any other person or persons are or may be plaintiffs in any action brought upon any Note or Bill of Exchange assigned or transferred to him or them by the said George Truscott and John Cleveland Green, or either of them, in trust for any purpose whatsoever."

Which was carried.

Bill to erect dwelling house for Point Peter Light-house keeper, read 3rd time and passed.

Pursuant to the order of the day, the Bill granting a sum of money for the erection of a Dwelling-house for the Light-house keeper at Point Peter, was read the third time and passed.

Title.

Mr. Bockus, seconded by Mr. Burwell, moves, that the Bill be entitled, "*An Act granting to Her Majesty a sum of money for the erection of a Dwelling-house for the Keeper of the Point Peter Light-House.*"

Which was carried, and Messrs. Bockus and Burwell were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Bill to pay for work done on Parliament Buildings, read 3rd time and passed.

Pursuant to the order of the day, the Bill to pay sums due certain individuals, for work performed on the Parliament Buildings, was read the third time and passed.

Title.

Mr. Bockus, seconded by Mr. Burwell, moves, that the Bill be entitled, "*An Act authorising the payment of certain Sums of Money to sundry persons for expenses incurred in the erection and completion of the Public Buildings.*"

Which was carried, and Messrs. Bockus and Burwell were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Motion to expunge name of Solicitor-General from resolution to bring members to the bar.

Mr. Sherwood, seconded by Mr. Thomson, moves, that the Solicitor-General having come into the House very soon after the call of the House this morning, his name be struck out of the resolution directing proceedings to be taken against certain absent members.

Amendment moved to rescind resolution:

In amendment, Mr. Richardson, seconded by Mr. Cook, moves, that, after the word "moves" in the original motion the rest be expunged, and the following inserted:—"that the resolution of this House in relation to absent Members be rescinded, and be not entered upon the Journals of this House."

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—11.

Messieurs Caldwell, Cartwright, Cook, Duncombe, McIntosh, McLean, Merritt, Richardson, Ruttan, Shaver, Thorburn—11.

N A Y S.

Nays—16.

Messieurs Bockus, Boulton, Burwell, Dunlop, Gamble, Kearnes, Malloch, Marks, McDonell of Stormont, Parke, Robinson, Rykert, Salmon, Sherwood, Thomson, Woodruff—16.

Amendment lost, majority 5.

The question of amendment was decided in the negative by a majority of five.

Another amendment.

In amendment, Mr Boulton, seconded by Mr. Sherwood, moves that the names of the Attorney General and Chisholm of Glengarry be added.

Carried.

Which was carried.

On original question, as amended.

On the original question as amended, the Yeas and Nays were taken as follows:—

YEAS.

Messieurs *Bockus, Boulton, Burwell, Dunlop, Gamble, Kearnes, Malloch, Marks, McDonell* of Northumberland, *McDonell* of Stormont, *McIntosh, Parke, Robinson, Rykert, Salmon, Sherwood, Thomson, Woodruff*—18. Yeas—18.

NAYS.

Messieurs *Cook, Merritt, Richardson, Ruttan, Shaver, Thorburn*—6. Nays—6.

The question was carried in the affirmative by a majority of twelve. Carried, majority 12.

Pursuant to the order of the day, the Bill to reward William Hust was read the third time and passed. Hust's remuneration bill read 3rd time and passed.

Mr. Thomson, seconded by Mr. Caldwell, moves that the Bill be entitled,

"An Act granting a sum of money to William Hust, as a compensation for loss of time in consequence of a wound received by him while engaged in capturing a band of rebels." Title.

Which was carried, and Messrs. Thomson and Caldwell were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Bill to remunerate John Farrell, was read the third time and passed. Farrell's remuneration bill read third time and passed.

Mr. Sherwood, seconded by Mr. Thomson, moves that the Bill be entitled, *"An Act granting to Her Majesty a certain sum of money for the purposes therein mentioned."* Title.

Which was carried, and Messrs. Sherwood and Thomson were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the Bill granting a further sum of money to improve the navigation of the River Saint Lawrence, was read the third time. St. Lawrence improvement bill read third time.

On the question for passing the Bill, the Yeas and Nays were taken as follows:— On passing.

YEAS.

Messieurs *Bockus, Burwell, Cartwright, Chisholm* of Glengarry, *Cook, Gamble, Marks, McDonell* of Stormont, *McLean, Merritt, Robinson, Rykert, Shaver, Sherwood*—14. Yeas—14.

NAYS.

Messieurs *Attorney-General, Boulton, Dunlop, Kearnes, Malloch, McDonell* of Northumberland, *McIntosh, McKay, Ruttan, Salmon, Solicitor-General, Thorburn, Woodruff*—13. Nays—13.

The question was carried in the affirmative by a majority of one, and the Bill was passed. Carried, majority 1.

Mr. Sherwood, seconded by Mr. Merritt, moves that the Bill be entitled, *"An Act granting to Her Majesty a certain sum of money to complete the improvement of the River Saint Lawrence."* Title moved.

On which the Yeas and Nays were taken as follows:— Division.

YEAS.

Messieurs *Bockus, Cartwright, Chisholm* of Glengarry, *Cook, Gamble, Marks, McDonell* of Stormont, *McLean, Merritt, Robinson, Rykert, Shaver, Sherwood, Thomson*—14. Yeas—14.

NAYS.

Messieurs *Attorney-General, Boulton, Dunlop, Kearnes, Malloch, McDonell* of Northumberland, *McIntosh, McKay, Parke, Richardson, Ruttan, Salmon, Solicitor-General, Thorburn, Woodruff*—15. Nays—15.

The question was decided in the negative by a majority of one. Lost, majority 1.

Another title moved. Mr. Sherwood, seconded by Mr. Bockus, moves, that the Bill be entitled, "*An Act granting a certain Sum of Money to Her Majesty for the purposes therein mentioned.*"

Amendment moved. In amendment, Mr. Solicitor-General, seconded by Mr. Malloch, moves, that all the words after the word "moves" be struck out, and the following inserted:—"that the entitling of the Bill be deferred to this day six months."

Division. On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—15. Messieurs *Attorney-General, Boulton, Duncombe, Dunlop, Kearnes, Malloch, McDonell of Northumberland, McIntosh, McKay, Parke, Richardson, Ruttan, Salmon, Solicitor-General, Woodruff*—15.

N A Y S.

Nays—16. Messieurs *Bockus, Burwell, Cartwright, Chisholm of Halton, Chisholm of Glengarry, Cook, Gamble, Marks, McDonell of Stormont, McLean, Merritt, Robinson, Rykert, Shaver, Sherwood, Thomson*—16.

Amendment lost, majority 1. The question of amendment was decided in the negative by a majority of one.

Original question carried. The original question was then put and carried, and Messrs. Sherwood and Bockus were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

On motion of Mr. Attorney-General, seconded by Mr. Salmon,

Leave of absence granted to Mr. Solicitor-General. *Ordered*—That Mr. Solicitor-General have leave of absence for the remainder of the Session.

Address to transmit joint Addresses, (L. C.) read third time and passed. Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor, sent down by the Honourable the Legislative Council, praying His Excellency to transmit the several joint Addresses to Her Majesty, was read the third time and passed, and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

Address. We, Her Majesty's dutiful and loyal Subjects, the Legislative Council and House of Assembly of Upper Canada, in Provincial Parliament assembled, have agreed to two humble Addresses to Her Majesty on the subjects of the Post Office Department—and the levying an additional of two and a half per cent on Goods imported into Lower Canada, now paying an ad-valorem duty—which we respectfully pray Your Excellency will be pleased to transmit to the Secretary of State for the Colonies, in order that they may be laid at the foot of the Throne.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
First day of March, 1838. }

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly, }
Third day of March, 1838. }

Bill to restrain private Banking, read 3rd time and passed.

Pursuant to the order of the day, the Bill to restrain private Banking was read the third time and passed.

Title. Mr. Richardson, seconded by Mr. Boulton, moves that the Bill be entitled, "*An Act to repeal part of an Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act to protect the public against injury from private Banks'*—and for other purposes therein mentioned."

Which was carried, and Messrs. Richardson and Boulton were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House entitled,

Amendments to Township Officers Bill, read 3rd time and passed.

“An Act to alter and amend sundry Acts regulating the appointment and duties of township officers”—

were read the third time and passed.

Messieurs Marks and Bockus were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to inform that Honourable House, that this House had concurred in the amendments.

The Master in Chancery brought down from the Honourable the Legislative Council a Message, and having delivered the same at the Clerk’s Table, retired.

Messages from Legislative Council.

The Message was read by the Speaker, as follows :

MR. SPEAKER :

The Legislative Council have appointed the Honourable Messieurs Markland and Allan to be a Committee on their part, who will be ready to meet a Committee on the part of the Commons House of Assembly, on Monday next, at the hour of eleven of the clock, A. M., to wait upon His Excellency the Lieutenant Governor, to know when His Excellency would be pleased to receive the two Houses with their several joint Addresses to Her Majesty, on the subjects of the Post Office Department, and the levying an additional two and a half per cent on Goods imported into Lower Canada, now paying an ad valorem duty.

Committee to meet Committee to wait on His Excellency to know when he will receive the two Houses with Addresses to the Queen.

JOHN B. ROBINSON,
Speaker.

*Legislative Council Chamber,
Third day of March, 1838. }*

Mr. Bockus, seconded by Mr. Shaver, moves, that the House do now resolve itself into a committee of the whole on the Report of the Select Committee on Contingencies.

House in Committee on Report of Select Com. on Contingencies.

Which was carried ; and the House was put into a Committee of the whole on the same.

Mr. Shaver in the chair.

The Speaker resumed the chair to receive a Message from His Excellency the Lieutenant Governor.

Messages from the Lieutenant Governor.

The Speaker left the Chair.

The Chairman resumed the Chair of Committee.

The Speaker resumed the chair, Black Rod being at the door.

Black Rod.

The Speaker left the Chair.

The Chairman resumed the chair of Committee.

The House resumed.

The chairman reported that the Committee had agreed to several Resolutions, which he was directed to submit for the adoption of the House.

Resolutions reported.

The Report was received.

The following Resolutions were severally put and carried.

Resolved—That the sum of Seven Thousand and Twenty-Six Pounds Nineteen Shillings and Six Pence Halfpenny be granted to the Clerk of this House, for the payment of the Contingent expenses of his Office for the present year, (as per the estimate reported by the Select Committee on Contingencies.)

1st Resolution: £7,026 19 6½, contingencies of Clerk’s Office.

Resolved—That the sum of Two Hundred Pounds be granted to the Clerk of this House, as an additional allowance for the increased duty of his Office during the current year.

2nd Resolution: £200 additional allowance to Clerk.

Resolved—That there be granted to the Sergeant-at-Arms the sum of Fifty Pounds, to pay William H. Lee for services as Deputy Sergeant-at-Arms during the present Session.

3rd Resolution: £50 to Deputy Sergeant-at-Arms.

Resolved—That the annual allowance of One Hundred Pounds be granted to the Sergeant-at-Arms for the current year.

4th Resolution: £100 to Sergeant-at-Arms.

Resolved—That the sum of ten pounds be paid to John A. Kyte, House Messenger, to remunerate him for his attendance during the last Session.

5th Resolution: £10 to John A. Kyte, House Messenger, for extra Session.

6th Resolution:
Additional allowances to
Messengers.

Resolved—That the following additional allowances be paid by the Clerk to the undermentioned servants of this House, viz:

Eneas Bell, Chief Messenger,.....	£25.
John Fenwick, Messenger,.....	2s. 6d. per day.
Thomas Hill, do.	2s. 6d. per day.
William Dickson, do.	2s. 6d. per day.
Robert Defries, do.	2s. 6d. per day.
Michael McCarthy, do.	2s. 6d. per day.

7th Resolution:
£12 to Falvey & McCarthy,
for watching House.

Resolved—That there be granted to the Clerk of this House the sum of Twelve Pounds, to enable him to pay John Falvey and Michael McCarthy Six Pounds each, being for services performed as a watch at the Parliament Buildings, from the 10th November to the 3rd December last inclusive—24 nights, at 5s. per night.

8th Resolution:
£419 14 11, to Sergeant-
at-Arms for contingencies.

Resolved—That the sum of Four Hundred and Nineteen Pounds, Fourteen Shillings and Eleven Pence, be granted to the Sergeant-at-Arms for the payment of the contingent expenses of his office for the present year, (as per the estimate reported by the Select Committee on Contingencies.)

9th Resolution:
£50 to Sergeant-at-Arms
for extra Session.

Resolved—That there be granted to the Sergeant-at-Arms the sum of Fifty Pounds currency, for his attendance during the extra Session of the present Parliament.

10th Resolution:
£75 to Librarian.

Resolved—That the sum of Seventy-five Pounds be granted to the Clerk of this House to pay that sum to the Librarian as an annual allowance for the increased duty of his Office for the present year.

11th Resolution:
£13 10, to J. G. Howard,
Architect.

Resolved—That there be granted to the Clerk of this House the sum of Thirteen Pounds Ten Shillings, to pay John G. Howard, Architect, for Plans and Estimates furnished a Committee of this House during the first Session of the present Parliament.

The twelfth Resolution was put as follows:—

12th Resolution:
£25 to Harvey Fowler,
for reporting debates of
2nd Session, 13th Parl.

Resolved—That the Clerk of this House do pay to Hervey Fowler the sum of £25 currency, for reporting the debates of this House during the second Session of the 12th Parliament.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—14.

Messieurs *Attorney-General, Chisholm* of Halton, *Chisholm* of Glengarry, *Duncombe, Dunlop, Kearnes, McDonell* of Northumberland, *McKay, Parke, Richardson, Ruttan, Salmon, Shaver, Thorburn*—14.

N A Y S.

Nays—15.

Messieurs *Bockus, Boulton, Cartwright, Cook, Gamble, Malloch, McDonell* of Stormont, *McIntosh, McLean, Merritt, Robinson, Rykert, Sherwood, Thomson, Woodruff*—15.

Lost, majority 1.

The question was decided in the negative by a majority of one.

The thirteenth Resolution was put as follows:—

13th Resolution:
£50 additional expenses
of Sergeant-at-Arms.

Resolved—That the additional sum of Fifty Pounds be paid to the Sergeant-at-Arms, in addition to the estimate for that department, to pay the expenses of his department, to be accounted for in his accounts.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—26.

Messieurs *Bockus, Boulton, Cartwright, Chisholm* of Halton, *Chisholm* of Glengarry, *Cook, Duncombe, Dunlop, Gamble, Kearnes, Malloch, McDonell* of Northumberland, *McDonell* of Stormont, *McLean, Merritt, Parke, Richardson, Robinson, Ruttan, Rykert, Salmon, Shaver, Sherwood, Thomson, Thorburn, Woodruff*—26.

N A Y S.

Nays—1.

Mr. *McIntosh*—1.

Carried, majority 25.

The question was carried in the affirmative by a majority of twenty-five, and the Resolution was adopted.

The following Resolutions were then severally put and carried.

14th Resolution:
£25 to Alpheus Todd, for
services in Library.

Resolved—That there be granted to the Clerk of this House the sum of Twenty Five Pounds, to remunerate Alpheus Todd for his services in assisting in the Library.

15th Resolution:
£2,200, contingent expenses
of Clerk of L. Council.

Resolved—That the sum of Two Thousand Two Hundred Pounds be paid to Grant Powell, Esquire, Clerk of the Honourable the Legislative Council, to enable him to pay the contingent expenses of his office for the present year.

16th Resolution:
£350, contingencies of
Black Rod.

Resolved—That the sum of Three Hundred and Fifty Pounds be paid to Stephen Jarvis, Esq., Gentleman Usher of the Black Rod, to enable him to pay the contingent expenses of the Honourable the Legislative Council for the present year.

On motion of Mr. Bockus, seconded by Mr. Malloch,

Ordered—That Messrs. Robinson and Thomson be a Committee to draft and report an Address to His Excellency the Lieutenant Governor, founded on the foregoing Resolutions.

Committee to draft Address on foregoing Resolutions.

Mr. Robinson, from the Committee to draft an Address on the foregoing Resolutions, reported a draft, which was received and read twice, and referred to a Committee of the whole.

Address reported, read twice, and committed.

Mr. Robinson in the chair.

The House resumed.

The chairman reported that the Committee had amended the Address.

Reported amended.

The Report was received, and the Address was read the third time and passed, and is as follows :—

Read third time and passed.

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

MAY IT PLEASE YOUR EXCELLENCY :

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to issue your warrant to the Receiver General of this Province in favor of Grant Powell, Esq., Clerk of the Honorable the Legislative Council, for the sum of two thousand two hundred pounds to defray the contingent expenses of his office for the present year.

Address.

Of Stephen Jarvis, Esq., Gentleman Usher of the Black Rod, for certain contingent expenses of the Honorable the Legislative Council for the present year, the sum of three hundred and fifty pounds.

Of James FitzGibbon, Esq., Clerk of the House of Assembly, for the sum of seven thousand five hundred and sixty-two pounds, nine shillings and six pence half penny, to pay the contingent expenses of his office for the present year, and

Of David A. MacNab, Esq., Sergeant-at-Arms, for the sum of six hundred and sixty-nine pounds fourteen shillings and eleven pence, to enable him to pay certain contingent expenses of the House of Assembly during the present year.

All of which sums Her Majesty's faithful Commons will make good during the next Session of Parliament.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly, }
3rd March, 1838. }

On motion of Mr. Bockus, seconded by Mr. Malloch,

Ordered—That Messrs. Thomson and Robinson be a committee to wait on His Excellency the Lieutenant Governor, to know when he will be pleased to receive the Address of this House on the subject of Contingencies, and to present the same.

Mr. Speaker reported that Mr. Secretary Joseph had brought down from His Excellency the Lieutenant Governor several Messages and Documents.

Speaker reports Messages from Lieut. Governor.

The Messages were read by the Speaker, as follows :—

F. B. HEAD.

The Lieutenant Governor transmits for the information of the House of Assembly, in addition to the correspondence already communicated to the House, relative to the destruction of the piratical Steam-vessel "Caroline," the accompanying copy of a Despatch and its enclosures, which he yesterday received from His Excellency Henry S. Fox, Esquire, Her Majesty's Minister at Washington, on that subject.

Message with further correspondence with Her Majesty's Minister at Washington, on the "Caroline."

Government House, }
3rd March, 1838. }

F. B. HEAD.

The Lieutenant Governor transmits, for the information of the House of Assembly, the accompanying copy of the Report received from the Civil Engineer who was appointed by him in pursuance of an Address from the House during the first Session of the present Parliament, to examine and survey the tract of country lying between Lakes Ontario and Scugog, and between the latter and Lake Simcoe, for the purpose of ascertaining the practicability of forming a navigable communication between those Lakes.

Message with Report of Engineer to survey Canal route from Lake Ontario to Lakes Scugog and Simcoe.

Government House, }
3rd March, 1838. }

The documents are as follows:—

[Copy.]

WASHINGTON, February 6, 1838.

SIR,

Further correspondence
between Lieut. Governor
and Mr Fox, on capture
of the "Caroline."

With reference to the letter, which by direction of the President you addressed to me on the 5th and 9th ultimo, respecting the capture and destruction of the Steamboat "Caroline" by a Canadian force on the American side of the Niagara River, within the jurisdiction of the State of New York, I have now the honour to communicate to you the copy of a letter which I have received upon that subject from Sir Francis Head, Lieutenant Governor of the Province of Upper Canada, with divers report and depositions annexed.

The Piratical character of the Steamboat "Caroline," and the necessity of self-defence and self-preservation under which Her Majesty's subjects acted in destroying that vessel, would seem to be sufficiently established.

At the time when the event happened, the ordinary laws of the United States were not enforced within the Frontier District of the State of New York. The authority of the law was overborne publicly by piratical violence: through such violence Her Majesty's subjects in Upper Canada had already severely suffered, and they were threatened with still further injury and outrage. This extraordinary state of things appears, naturally and necessarily, to have impelled them to consult their own security, by pursuing and destroying the vessel of their piratical enemy, wheresoever they might find her.

I avail myself of this occasion, &c. &c.

(Signed)

H. S. FOX.

The Honourable JOHN FORSYTH.

A true Copy.

J. JOSEPH.

[Copy.]

DEPARTMENT OF STATE,

Washington, February 13, 1838.

SIR,

I have the honour to acknowledge the receipt of your note of the 6th instant, communicating a Copy of a Letter from Sir Francis Head, Lieutenant Governor of the Province of Upper Canada, respecting the capture and destruction of the Steam-boat "Caroline," by a Canadian force on the American side of the Niagara River, within the jurisdiction of the State of New York, together with the reports and depositions thereto annexed.

The statement of the facts, which these respective papers present, is at variance with the information communicated to this Government respecting that transaction; but it is not intended to enter at present upon an examination of the details of the case, as steps have been taken to obtain the fullest evidence that can be had of the particulars of the outrage—upon the receipt of which it will be made the subject of a formal complaint to the British Government for redress. Even admitting that the documents transmitted with your note contain a correct statement of the occurrence, they furnish no justification for the aggression committed upon the Territory of the United States,—an aggression which was the more unexpected, as Sir Francis Head, in his Speech at the opening of the Parliament of Upper Canada, had expressed his confidence in the disposition of this Government, to restrain its Citizens from taking part in the conflict which was raging in that Province; and added, that having communicated with the Government of the State of New York, and with yourself, he was then waiting for replies. It is not necessary to remind you that his expectations have been met by the adoption of measures on the part of the United States, as prompt and vigorous as they have been successful in repressing every attempt of the inhabitants of the Frontier States to interfere unlawfully in that contest. The most serious obstacle thrown in the way of those measures was the burning of the Caroline, which, while it was of no service to Her Britannic Majesty's cause in Canada, had the natural effect of increasing the excitement on the Border, which this Government was endeavouring to allay.

I avail myself of this occasion, &c. &c. &c.,

(Signed)

JOHN FORSYTH.

H. S. Fox, Esquire, &c. &c. &c.

A true copy.

J. JOSEPH.

[Copy.]

WASHINGTON, February 16, 1838.

SIR,

I have the honour to acknowledge the receipt of your letter of the 13th instant, relating to the question of the capture and destruction of the Piratical Steam-boat Caroline.

Although I cannot acquiesce in the view which the United States Government are disposed to take of the facts connected with that transaction; yet, as this Legation is not the final authority competent to decide the question on the part of Great Britain,—and as you inform me that a

representation will, in due time, be addressed to Her Majesty's Government in England ;—I consider it most consistent with my duty, to avoid entering at present into any controversy upon the subject. It will remain for Her Majesty's Government at Home, when the whole evidence of the case shall have been produced, to form such deliberate resolution thereupon, as reason, honour, and justice shall dictate.

Further correspondence between Lieut. Governor and Mr Fox, on capture of the "Caroline."

I avail myself of this occasion to renew to you, &c. &c.,

(Signed) H. S. FOX.

The Honourable JOHN FORSYTH.

A true Copy.

J. JOSEPH.

[Copy.]

WASHINGTON, February 17, 1838.

SIR,

I have the honour herewith to enclose, for Your Excellency's information, copies of the remaining correspondence that has passed between the United States Secretary of State and myself, upon the question of the capture and destruction of the Piratical Steam-boat "Caroline,"—of the two previous letters from Mr. Forsyth to myself, referred to in my letter to Mr. Forsyth, herein enclosed, of the 6th instant,—the first, that of the 6th of January, has been already communicated to Your Excellency: the second, of the 19th of January, merely transmitted to me some further affidavits respecting the affair of the Caroline, which had been furnished to the American Government, and which have been since published in the American Newspapers.

I have the honour to be, with great regard and consideration,
Your Excellency's most obedient humble Servant,

(Signed) H. S. FOX.

To His Excellency

Sir F. B. HEAD, Bart., &c. &c. &c.

A true Copy.

J. JOSEPH.

(FOR REPORT OF ENGINEER ON CANAL ROUTE FROM LAKE ONTARIO TO LAKE SIMCOE—

See Appendix.)

On motion of Mr. Robinson, seconded by Mr. McKay,

Ordered—That 500 copies of His Excellency's Message, and the Despatches of Mr. Fox with the accompanying letters and documents, be printed for the use of members.

500 copies of above correspondence to be printed.

Mr. Sherwood, from the Committee to wait on His Excellency the Lieutenant Governor with the Address of this House, praying His Excellency to transmit certain Resolutions to the Receiver and Inspector-Generals, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer :—

Committee to carry up Address to transmit resolutions to Receiver and Inspector Generals, report answer.

GENTLEMEN,—

I will cause the Resolutions of the House of Assembly, which accompany this Address, to be communicated to the Officers therein mentioned, for their guidance respectively.

Answer.

Mr. Rykert, from the Committee to wait upon His Excellency the Lieutenant Governor with the Address of this House, requesting His Excellency to remove certain Collectors in default, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer :—

Committee to carry up Address to remove Collectors in default, report answer.

GENTLEMEN,—

I will give the necessary directions towards carrying into effect the desire expressed by the House of Assembly in this Address.

Answer.

Mr. Attorney-General, seconded by Mr. McKay, moves for leave to bring in a bill authorising the appointment of Commissioners to proceed to England on the affairs of this Province; and that the 31st and 40th rules of this House be dispensed with so far as relate to the same.

Bill to appoint Commission to proceed to England, brought in.

Which was granted, and the Bill was read twice.

Bill read twice and committed.

The House was put into a committee of the whole on the Bill.

Mr. Salmon in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.

The report was received.

On the question for the third reading of the Bill this day,

In amendment, Mr. Attorney-General, seconded by Mr. McKay, moves that the bill be not now read a third time, but that the House do forthwith resolve itself into a Committee of Supply, for the purpose of inserting a clause providing for the remuneration of the Commissioners therein mentioned.

Which was carried; and the House was put into a Committee of Supply on the Bill.

Mr. Richardson in the chair.

The House resumed.

The Chairman reported that the Committee had amended the Bill, and submitted it for the adoption of the House.

The Report was received.

Ordered—That the Bill be engrossed and read a third time this day.

Mr. Speaker reported that the Master in Chancery had brought down from the Honourable the Legislative Council several Messages, together with certain resolutions relative to the sending of Commissioners to England,—and certain resolutions on the subject of the Parliament Buildings—also the Bill entitled,

“*An Act granting a salary to the Adjutant-General of Militia of this Province, and for other purposes therein mentioned.*”

And the bill entitled,

“*An Act to authorise the appointment of Commissioners to investigate the claims of certain Inhabitants of this Province for losses sustained during the late unnatural Rebellion.*”

The Messages were read by the Speaker, as follows:—

On question for third reading to-day,

Amendment moved to refer bill to Committee of Supply forthwith.

Carried, and Bill referred to Committee of Supply:

Reported amended.

3rd reading to-day.

Speaker reports Messages from Legislative Council.

Adjutant General's salary bill, and

Bill to appoint Commission on Losses by the rebellion, sent down amended.

Messages.

Lake Road improvement bill passed.
Bill to relieve the poor and destitute of Toronto, passed.
Penitentiary support bill passed.

MR. SPEAKER :

The Legislative Council has passed the Bill entitled “*An Act to provide for continuing the improvement of the Lake Road, West of the City of Toronto*”—also the Bill entitled “*An Act to afford Relief to the Sick and Destitute Poor of the City of Toronto*”—also the Bill entitled “*An Act to make further provision for the support and regulation of the Provincial Penitentiary*”—without any amendment.

JOHN B. ROBINSON,

Speaker.

Legislative Council Chamber,
Second day of March, 1838. }

Message with Resolution on message of Assembly on commission to England.

MR. SPEAKER :

The Legislative Council have passed the accompanying Resolution, which they communicate to the Commons House of Assembly.

JOHN B. ROBINSON,

Speaker.

Legislative Council Chamber,
Third day of March, 1838. }

Resolution.

“*Resolved*—That this House have given due consideration to the Message sent up from the House of Assembly in answer to the reasons which induced the Legislative Council to refuse concurring in the Resolution to send Commissioners to England; and although they feel themselves compelled with much reluctance to differ from the views of the Assembly in a matter of this importance, they do nevertheless still continue to think it inexpedient, for the reasons already stated, to concur in the measure suggested by that Honourable House.”

Truly extracted from the Journals of the Legislative Council.

JOHN B. ROBINSON,

Speaker.

The Clerk being absent from illness.

MR. SPEAKER :

The Legislative Council have adopted the accompanying Resolutions, and communicate the same to the Commons House of Assembly for their consideration, and they request that the Assembly will unite with this House in the appointment of a Committee on the subject of the said Resolutions.

Message with Resolutions on Parliament Buildings.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Third day of March, 1838. }

“ Resolved—That it is proper to inquire what steps are necessary to prevent the destruction of the Parliamentary Buildings and the adjoining Offices by fire, and to ascertain the cause of the alarming accident which happened last Sunday. Resolutions.

“ Resolved—That the foregoing Resolution be communicated to the House of Assembly, with a request that they will agree to a joint Committee, with power to send for persons and papers, to take the matter into consideration, and report to both Houses.”

Truly extracted from the Journal of the Legislative Council, third day of March, 1838.

JOHN B. ROBINSON,
Speaker.

The Clerk being absent from illness.

The amendments made by the Honourable the Legislative Council, in and to the Bill sent up from this House, entitled,

“ An Act to authorise the appointment of Commissioners to investigate the claims of certain inhabitants of this Province for Losses sustained during the late unnatural Rebellion”— were read the first time, as follows :—

Amendments to bill to appoint Commission on Losses by the Rebellion, read first time.

Press 1, line 1—After “ Rebellion” expunge “ many” and insert “ certain.”

Amendments.

“ “ “ 2—After “ by” expunge to “ and whereas” in line 4, and insert “ the destruction of their Dwellings and other Buildings by the Rebels.”

“ “ “ 5—After “ of” insert “ such.”

“ “ “ 6—Expunge “ sustained.”

“ “ “ 17—After “ losses” insert “ so.”

“ 3, “ 10—After “ the” expunge “ House of Assembly” and insert “ Legislature.”

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Third day of March, 1838. }

On the question for the second reading of the amendments to-morrow, In amendment, Mr. Richardson, seconded by Mr. McDonell of Northumberland, moves that the amendments made by the Honourable the Legislative Council in and to the Bill entitled—

On 2d reading to-morrow,

Amendment moved to concur in amendments.

“ An Act to authorise the appointment of Commissioners to investigate the Claims of certain Inhabitants of this Province for Losses sustained during the late unnatural Rebellion”— be concurred in; and that the 38th Rule of the House be dispensed with so far as relates to the same.

Which was carried, and the amendments were concurred in.

Carried, and amendments concurred in.

Messieurs Richardson and Robinson were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the amendments.

At five o'clock, the House adjourned for two hours.

The House met again pursuant to adjournment.

Mr. Marks, from the Committee on Printing, presented a final Report, which was received and read as follows :—

Committee on Printing present final report.

To the Honourable the Commons House of Assembly.

The Select Committee on Printing beg leave to present, as their final Report, the following Resolutions, which they recommend for the adoption of your Honorable House :—

Report.

"Resolved, That as the undermentioned expenses have been necessarily incurred in printing the minutes of this House during the present Session, and other job printing, the following accounts for printing be ordered to be paid by the Clerk of this House, viz:—

Guardian Newspaper,	£89	3	0
Colonist do.	9	12	6
Palladium do.	109	2	6
Herald do.	34	7	3
Patriot do.	93	0	0
Mr. Coates, Printer,	40	17	0
Total,	£376	2	3

Amounting to the sum of Three Hundred and Seventy-six Pounds Two Shillings and Three-pence.

"Resolved—That the Printing Committee shall leave instructions with the Clerk of this House to have the unfinished Printing performed with as little delay as possible."

All which is respectfully submitted.

J. MARKS,

Chairman.

Committee-Room, House of Assembly, }
2nd March, 1838.

Report adopted.

Mr. Bockus, seconded by Mr. Marks, moves, that the Report of the Printing Committee be adopted.

Which was carried.

Welland Canal Route Bill
read second time and
committed.

Pursuant to the order of the day, the Bill to define the Route of the Welland Canal was read the second time.

The House was put into a Committee of the whole on the Bill.

Mr. Richardson in the chair.

The House resumed.

Reported amended.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.

On receiving report:

On the question for receiving the report, the Yeas and Nays were taken as follows.

Y E A S.

Yeas—25.

Messieurs *Bockus, Burwell, Caldwell, Chisholm* of Halton, *Chisholm* of Glengarry, *Cook, Dunlop, Gamble, Kearnes, Marks, McDonell* of Northumberland, *McDonell* of Stormont, *McKay, McLean, Merritt, Parke, Robinson, Ruttan, Rykert, Salmon, Shaver, Sherwood, Thomson, Thorburn, Woodruff*—25.

N A Y S.

Nays—4.

Messieurs *Duncombe, Malloch, McIntosh, Richardson*—4.

Carried, majority 21.

The question was carried in the affirmative by a majority of twenty-one, and the report was received.

On question for
3rd reading Monday,
Amendment moved.

On the question for the third reading of the bill on Monday next,

In amendment Mr. Richardson, seconded by Mr. Malloch, moves that the bill be not read a third time on Monday next, but that it be *Resolved*, That in the present state of the Province and its finances, it is inexpedient to pass any positive Act in relation to the Welland Canal, or its particular route,—more especially as many members have absented themselves, leaving the decision of important questions of this nature to less than one-half of the House as legally constituted.

Division.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—6.

Messieurs *Cook, Duncombe, Kearnes, Malloch, McIntosh, Richardson*—6.

N A Y S.

Nays—22.

Messieurs *Bockus, Burwell, Chisholm* of Halton, *Chisholm* of Glengarry, *Dunlop, Gamble, Marks, McDonell* of Northumberland, *McDonell* of Stormont, *McKay, McLean, Merritt, Parke, Robinson, Rykert, Salmon, Shaver, Sherwood, Thomson, Thorburn, Woodruff*—22.

The question of amendment was decided in the negative by a majority of sixteen. Amendment lost, majority 16.

In amendment Mr. Robinson, seconded by Mr. Chisholm of Halton, moves that the bill be read a third time this day, and that the 40th rule be dispensed with so far as relates to the same. Another amendment, to read bill 3rd time to-day.

On which the Yeas and Nays were taken as follows:— Division.

Y E A S.

Messieurs *Bockus, Boulton, Burwell, Caldwell, Chisholm of Halton, Chisholm of Glengarry, Dunlop, Gamble, McDonell of Northumberland, McDonell of Stormont, McLean, Merritt, Parke, Robinson, Rykert, Salmon, Shaver, Sherwood, Thomson, Thorburn, Woodruff*—21. Yeas—21.

N A Y S.

Messieurs *Cook, Duncombe, Kearnes, Malloch, Marks, McIntosh, McKay, Richardson, Rut-* Nays—9.
tan—9.

The question of amendment was carried in the affirmative by a majority of twelve, and the bill was ordered to be engrossed and read a third time this day. Carried, majority 12. 3rd reading to-day.

Pursuant to the order of the day, the bill to erect a new township, to be called "Glenelg," was read the second time. Glenelg Township Bill read second time and committed.

The House was put into a Committee of the whole on the bill.

Mr. McLean in the Chair.

The House resumed.

The Chairman reported that the Committee had risen. Committee rises.

The Report was received.

Pursuant to the order of the day, the bill to extend relief to Sheriffs and Gaolers was read the second time. Bill to relieve Sheriffs and Gaolers, read 2nd time and committed.

The House was put into a Committee of the whole on the Bill.

Mr. Gamble in the chair.

The House resumed.

The Chairman reported that the Committee had agreed to the bill without amendment, and submitted it for the adoption of the House. Reported without amendment.

The Report was received.

On the question for the third reading of the Bill on Monday next,

In amendment, Mr. Ruttan, seconded by Mr. Gamble, moves that the bill be not read a third time on Monday next, but that it be read a third time forthwith; and that the 40th rule of this House be dispensed with so far as relates to the same.

Which was carried, and the bill was ordered to be engrossed and read a third time this day. 3rd reading to-day.

Pursuant to the order of the day, the bill to determine the route of the Welland Canal was read the third time. Welland Canal Route Bill read third time.

On the question for passing the Bill, the Yeas and Nays were taken as follows:— On passing,

Y E A S.

Messieurs *Burwell, Caldwell, Chisholm of Halton, Chisholm of Glengarry, Dunlop, Gamble, McDonell of Northumberland, McDonell of Stormont, McLean, Merritt, Robinson, Ruttan, Rykert, Salmon, Shaver, Sherwood, Thomson*—17. Yeas—17.

N A Y S.

Messieurs *Cook, Duncombe, Kearnes, Malloch, McIntosh, McKay, Richardson*—7. Nays—7.

The question was carried in the affirmative by a majority of ten, and the bill was passed. Carried, majority 10.

- Mr. Robinson, seconded by Mr. Rykert, moves that the bill be entitled,—
- Title moved.** “*An Act to determine the route of the Welland Canal, and for other purposes therein mentioned.*”
- Amendment moved.** In amendment, Mr. Richardson, seconded by Mr. Kearnes, moves that the bill be entitled this day three months.
- On which the Yeas and Nays were taken as follows:—
- Y E A S.
- Yeas—3.** Messieurs *Kearnes, Malloch, Richardson—3.*
- N A Y S.
- Nays—19.** Messieurs *Burwell, Caldwell, Chisholm of Halton, Chisholm of Glengarry, Cook, Dunlop, Gamble, McDonell of Northumberland, McDonell of Stormont, McIntosh, McLean, Merritt, Robinson, Ruttan, Rykert, Salmon, Shaver, Sherwood, Thomson—19.*
- Amendment lost, majority 16.** The question of amendment was decided in the negative by a majority of sixteen.
- Original question carried.** The original question was then put and carried, and Messrs. Robinson and Rykert were ordered by the Speaker to carry the bill up to the Hon'ble the Legislative Council, and to request their concurrence thereto.
- Bill to send Commissioners to England, read 3rd time.** Pursuant to the order of the day, the bill to send Commissioners to England was read the third time.
- On passing,** On the question for passing the bill, the Yeas and Nays were taken as follows:—
- Y E A S.
- Yeas—19.** Messieurs *Burwell, Caldwell, Chisholm of Halton, Chisholm of Glengarry, Duncombe, Dunlop, Gamble, Kearnes, McDonell of Northumberland, McDonell of Stormont, McKay, McLean, Merritt, Richardson, Ruttan, Rykert, Salmon, Shaver, Sherwood—19.*
- N A Y S.
- Nays—4.** Messieurs *Cook, McIntosh, Robinson, Thomson—4.*
- Carried, majority 15.** The question was carried in the affirmative by a majority of fifteen, and the Bill was passed.
- Title.** Mr. Sherwood, seconded by Mr. McKay, moves that the bill be entitled, “*An Act to appoint certain Commissioners to proceed to England touching the public affairs of this Province, and for other purposes therein mentioned.*”
- Which was carried, and Messrs. Sherwood and McKay were ordered by the Speaker to carry the bill up to the Honorable the Legislative Council, and to request their concurrence thereto.
- Bill to protect Sheriffs and Gaolers read 3rd time and passed.** Pursuant to the order of the day, the Bill to extend protection to Sheriffs and Gaolers was read the third time and passed.
- Title.** Mr. Ruttan, seconded by Mr. Gamble, moves that the bill be entitled, “*An Act extending relief to Sheriffs and Gaolers in certain cases where by law they may be liable to actions for escapes.*”
- Which was carried, and Messrs. Ruttan and Gamble were ordered by the Speaker to carry the bill up to the Honorable the Legislative Council, and to request their concurrence thereto.
- Address on Port Dalhousie read 3rd time and passed.** Pursuant to the order of the day, the Address to Her Majesty respecting Port Dalhousie was read the third time and passed, and is as follows:—

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

Address.

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave to represent to Your Majesty, the importance of so improving the Harbour of Port Dalhousie at the western extremity of Lake Ontario, as to render it safe and commodious for Steamboats and Vessels of War. By a recent survey by eminent Civil Engineers, it is pointed out as capable of being made, at no very considerable expense, one of the best and most useful Harbors on Lake Ontario.

The Welland Canal Company, aided by the funds of the Province, have expended large sums of money on this Port—it being the outlet to Lake Ontario of the Welland Canal; and although sufficiently commodious for such Vessels as pass through the Canal, it is not capable of admitting Vessels of War or Steamboats drawing more than eight feet water.

The Niagara River, twelve miles to the south of Port Dalhousie, is undoubtedly an excellent Harbor, and can afford accommodation to any number of Vessels drawing twelve feet water or more, but the entrance to it is so completely commanded by the American Fort Niagara, that in time of war not one of Your Majesty's Vessels could find shelter there.

The want of a secure Port at the west end of Lake Ontario was much felt during the late war with the United States of America; and we earnestly entreat Your Majesty to instruct the Commander in Chief of Your Majesty's Forces in the Canadas, to cause a survey to be made by a competent officer, and an estimate of the expense for Your Majesty's further information—and should his report prove favorable, which we cannot doubt, we hope no time will be lost in commencing a work, which we consider of great national importance.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly, }
rd March, 1838. }

Mr. Speaker reported having received sundry communications from the Clerk of the Crown in Chancery relative to the elections for the Counties of Oxford and Grenville, which were read as follows:—

Speaker reports communications from C. C. Chancery.

CLERK CROWN CHANCERY'S OFFICE,
Toronto, 2nd March, 1838.

SIR,

I have the honor to report for the information of the Honorable the Commons House of Assembly, that I have received the return to the Writ of Election lately sued out for the election of one member to represent the County of Oxford, in the room of Charles Duncombe, and that Roger Rollo Hunter, Esq., has been duly elected to represent that County.

Letter from C. C. Chancery, stating return of R. R. Hunter, Esq. as M.P.P. for Oxford, in room of Charles Duncombe, Esq.

I have the honor to be, Sir,
Your most obedient,
Humble Servant,
SAMUEL P. JARVIS,
C. C. Chancery.

The Hon. A. N. MACNAB, Speaker, &c.

CLERK CROWN CHANCERY'S OFFICE,
Toronto, 3rd March, 1838.

SIR,

I have the honor to report that I have issued the Writ of Election for the County of Grenville—That His Excellency the Lieutenant Governor has been pleased to appoint John L. Read, Esq. Returning Officer, and Merrickville the place for holding the election, which is to take place on Monday the second day of April now next ensuing.

Letter from C. C. Chancery, respecting election for Grenville.

I have the honor to be, Sir,
Your most obedient
Humble Servant,
SAMUEL P. JARVIS,
C. C. Chancery.

The Hon. A. N. MACNAB, Speaker, &c.

Adjourned.

Monday, 5th March, 1838.

The House met.

The minutes of Saturday were read.

The Master in Chancery brought down from the Honorable the Legislative Council several Messages, and the bill entitled,

Messages from Legislative Council.

“An Act to repeal, alter, and amend the Militia Law of this Province,”

Militia Bill sent down amended.

to which that Honorable House had made some amendments, and requested the concurrence of this House thereto.

Messrs Shade, Ferrie, and Aikman brought to the bar.

The Sergeant at Arms brought to the Bar Messrs. Shade, Ferrie, and Aikman, in obedience to the orders of the House.

Motion for Speaker to call on them for their defence.

Mr. Robinson, seconded by Mr. Boulton, moves that the Speaker do call upon Messrs. Shade, Ferrie, and Aikman, to state any thing they may have to say in their defence for having left this House and returned to their homes, without first having asked for and obtained the leave of the House.

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—21.

Messieurs *Bockus, Boulton, Burwell, Cartwright, Chisholm* of Halton, *Chisholm* of Glengarry, *Dunlop, Gamble, Kearnes, Malloch, Marks, McDonell* of Northumberland, *McDonell* of Stormont, *McLean, Parke, Robinson, Rykert, Salmon, Sherwood, Thomson, Woodruff*—21.

N A Y S.

Nays—9.

Messieurs *Cook, Duncombe, McIntosh, McKay, Merritt, Richardson, Ruttan, Shaver, Thorburn*—9.

Carried, majority 12.

The question was carried in the affirmative by a majority of twelve.

Speaker calls for their defence.

Mr. Speaker accordingly called upon Messrs. Aikman, Ferrie, and Shade, who severally addressed the Speaker in their defence.

Motion for Messrs Shade, Aikman, and Ferrie to be discharged, and the impropriety of their conduct explained to them.

Mr. Boulton, seconded by Mr. Cartwright, moves, that this House having asserted its privileges in sending for Messrs. Shade, Ferrie, and Aikman, they be discharged, and that the Speaker be directed to explain to those gentlemen the impropriety of their absents themselves from their duties at this important period of the Session without leave.

Amendment moved.

In amendment, Mr. Richardson, seconded by Mr. Cook, moves that all after the word "moves" in the original be expunged, and the following inserted:—"That the reasons assigned by Messrs. Aikman, Shade, and Ferrie, for absents themselves from this House on the 3rd instant, be entered on the Journals, and that the Speaker do require that those gentlemen do forthwith resume their seats as members of the Assembly."

Division.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—4.

Messieurs *Bockus, Cook, Richardson, Shaver*—4.

N A Y S.

Nays—24.

Messieurs *Boulton, Burwell, Cartwright, Chisholm* of Halton, *Chisholm* of Glengarry, *Duncombe, Dunlop, Gamble, Kearnes, Malloch, McDonell* of Northumberland, *McDonell* of Stormont, *McIntosh, McKay, McLean, Merritt, Parke, Robinson, Rykert, Salmon, Sherwood, Thomson, Thorburn, Woodruff*—24.

Amendment lost, majority 20.

The question of amendment was decided in the negative by a majority of twenty.

Another amendment moved.

In amendment, Mr. Merritt, seconded by Mr. McKay, moves that all after the word "moves" be expunged, and the following inserted:—"That Messrs. Aikman, Ferrie, and Shade, having been heard in their defence, they be forthwith discharged."

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—12.

Messieurs *Bockus, Chisholm* of Glengarry, *Duncombe, McIntosh, McKay, McLean, Merritt, Ruttan, Shaver, Thomson, Thorburn, Woodruff*—12.

N A Y S.

Nays—17.

Messieurs *Boulton, Burwell, Cartwright, Chisholm* of Halton, *Cook, Dunlop, Gamble, Kearnes, Malloch, McDonell* of Northumberland, *McDonell* of Stormont, *Parke, Richardson, Robinson, Rykert, Salmon, Sherwood*—17.

The question of amendment was decided in the negative by a majority of five. Amendment lost, majority 5.

In amendment, Mr. Richardson, seconded by Mr. Thorburn, moves that all after the word "moves" in the original be expunged, and the following inserted:—"That the Resolution of this House passed on Saturday last in relation to Messrs. Aikman, Shade, and Ferrie, be expunged, together with the subsequent proceedings thereon." Another amendment moved.

On which the Yeas and Nays were taken as follows:— Division.

Y E A S.

Messieurs Bockus, Cook, Duncombe, McIntosh, McKay, McLean, Merritt, Richardson, Ruttan, Shaver, Thorburn—11. Yeas—11.

N A Y S.

Messieurs Boulton, Burwell, Cartwright, Chisholm of Halton, Chisholm of Glengarry, Dunlop, Gamble, Kearnes, Malloch, Marks, McDonell of Northumberland, McDonell of Stormont, Parke, Robinson, Rykert, Salmon, Sherwood, Thomson, Woodruff—19. Nays—19.

The question of amendment was decided in the negative by a majority of eight. Amendment lost, majority 8.

On the original question the Yeas and Nays were taken as follows:— On original question,

Y E A S.

Messieurs Boulton, Burwell, Cartwright, Chisholm of Halton, Chisholm of Glengarry, Dunlop, Gamble, Kearnes, Malloch, Marks, McDonell of Northumberland, McDonell of Stormont, McIntosh, McKay, McLean, Parke, Robinson, Rykert, Salmon, Sherwood, Thomson, Woodruff—22. Yeas—22.

N A Y S.

Messieurs Bockus, Cook, Duncombe, Richardson, Ruttan, Shaver, Thorburn—7. Nays—7.

The question was carried in the affirmative by a majority of fifteen. Carried, majority 15.

Mr. Speaker accordingly explained to Messrs. Shade, Aikman, and Ferrie, the impropriety of their absentsing themselves from their duties at this important period of the Session without leave—and those gentlemen took their seats. Speaker explains to them accordingly, and they resume their seats.

Mr. Speaker reported that the Master in Chancery had brought down from the Honourable the Legislative Council several Messages, and an Address to His Excellency the Lieutenant Governor, which that Honourable House had passed, and requested the concurrence of this House thereto. Speaker reports Messages from Legislative Council.

The Messages were read by the Speaker, as follows:—

MR. SPEAKER :

Messages.

The Legislative Council have passed the Bill sent up from the Commons House of Assembly entitled "An Act granting a sum of money to William Hust, as a compensation for loss of time in consequence of a wound received by him while engaged in capturing a band of Rebels"—also the Bill entitled "An Act authorising the payment of certain sums of money to sundry persons for expenses incurred in the erection and completion of the public buildings"—also the Bill entitled "An Act granting to Her Majesty a sum of money for the erection of a dwelling house for the Keeper of the Point Peter Light House"—also the Bill entitled "An Act granting to Her Majesty a certain sum of money for the purposes therein mentioned"—and also the Bill entitled "An Act granting a certain sum of money to defray the expenses of the Civil Government for the year 1838, and for other purposes therein mentioned"—without any amendment. Hust's remuneration bill passed.
Bill to pay certain sums due for work done on the Parl't Buildings passed.
Bill to erect dwelling-house for Point Peter Light-house keeper, passed.
Farrell's remuneration Bill passed.
Supply Bill passed.

JOHN B. ROBINSON,

Legislative Council Chamber, }
Third day of March, 1838. }

Speaker.

MR. SPEAKER :

The Legislative Council have passed the accompanying Address to His Excellency the Lieutenant Governor in which they request the concurrence of the Commons House of Assembly; and they have appointed the Honourable Messieurs Hamilton and Macaulay to be a Committee on Message with Address to transmit Resolutions to Lieutenant-Governor of Nova-Scotia,

And appointing Committee to carry up the same.

the part of this House, who will be ready to meet a Committee of the Commons House of Assembly on Monday next, at the hour of twelve of the clock at noon, for the purpose of waiting on His Excellency to know when he will be pleased to receive the joint Resolutions for His Excellency the Lieutenant Governor of Nova Scotia, and to present the same.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Third day of March, 1838. }

Address read first time.

The Address to His Excellency was read the first time.

Amendments to Militia Bill read first time.

The amendments made by the Honourable the Legislative Council in and to the bill sent up from this House entitled,

“An Act to repeal, alter, and amend the Militia Law of this Province,” were read the first time, as follows:—

Amendments.

In the Title,—

Line 1—After “to,” expunge “repeal, alter, and”—after “amend,” insert “and reduce into one Act.”

In the Bill,—

Press 1, line 16—Expunge “and for such service.”

“ “ “ 22—Expunge “eighteen,” and insert “sixteen”—expunge “fifty,” and insert “sixty.”

“ 3, “ 24—Add to the clause:—“*Provided always, that whenever it shall happen that only part of the Militia of this Province shall be called out for actual service, it shall and may be lawful for any person being of the Militia of the County or Riding that may be so called out, or of any City within the same, duly chartered by any Act of the Parliament of this Province, to provide and send an able-bodied man to serve in the said Militia in his stead, and such able-bodied man shall be taken and received as a proper substitute for such person living in the County, Riding or City, that would otherwise be obliged to serve in the said part of the Militia called out as aforesaid.*”

“ 5, “ 9—After “persons,” insert “belonging to his personal staff or on the staff of the Militia”

“ “ “ 10—After “rank of,” insert “Lieutenant”

“ “ “ 25—After “direct,” add to the clause:—“*Provided, nevertheless, that nothing in this clause contained, shall be construed to prevent the formation of Companies of Artillery, or Troops of Dragoons, within the limits assigned to the several Regiments or Battalions of Militia, to be independent of or attached to such Regiments or Battalions, according to such orders or directions as the Lieutenant Governor may, from time to time, make in that behalf.*”

“ 10, “ 4—After “shall,” insert “without appeal”

“ “ “ 10—After “offences,” insert,—“*Provided always, and be it further enacted by the authority aforesaid, That all Officers who may be appointed to compose any Board for the trial of any offender or offenders under this Act, shall, before proceeding to the trial of such offender or offenders, take the following oath: ‘I do sincerely promise and swear, that in all such matters as shall be brought before me for trial under the Militia Laws of this Province, I will faithfully act according to the best of my judgment, agreeably to the said Laws, without favor or partiality to any person.—So help me God.’ Which oath may be administered by any one member to the other members of the said Board.*”

“ 11, “ 14—After “Martial,” insert “(the President of which shall be a Field Officer)”—after “officers,” expunge to “to investigate” in line 17, and insert “belonging to one or more of the Regiments of Militia organized or embodied within the County or District to which the accused party belongs”

“ “ “ 22—After “Act” insert,—“*Provided nevertheless, that in the appointment of Judge Advocate, the administration of oaths, and forms of proceeding to be observed by the said Courts Martial, respect shall be had to the provisions hereinafter contained for the constitution and regulation of Courts Martial, in cases where the same shall be required during the period of actual service by any part of the Militia of this Province: and*”

“ “ “ 23—Expunge “always,” and insert “also”

“ 12, “ 15—After “time,” insert “any portion of”

“ 16, “ 6—After “service,” insert “not being repugnant to the Act passed in the forty-ninth year of the reign of His late Majesty King George the Third, entitled, ‘An Act for quartering and billeting, on certain occasions, His Majesty’s Troops and the Militia of this Province;’”

Press 19, line 9—After “Commodore,” insert “who shall rank with Colonels of Militia, and also” Amendments to Militia Bill.

“ 21, “ 2—After “appointed,” insert “and actually engaged in public service, Deputy Postmasters and Mail Carriers”

“ “ “ 4—After “public,” insert “or common”

“ “ “ 17—After “Tunker,” insert “or of his being the son of a Menonist or Tunker, brought up and educated in the principles of the Menonists or Tunkers, and under the age of twenty-one years”

“ 22, “ 14—After the forty-ninth section insert, “51. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant Governor to appoint a proper person to be Adjutant General of the Militia of this Province, who shall have the rank of Colonel, and do all matters and things appertaining to the said office of Adjutant General.

“52. *And be it further enacted by the authority aforesaid,* That no person who shall have been discharged from Her Majesty’s service as a Sergeant shall be obliged to serve in any inferior station in the Militia of this Province, unless, having been such non-commissioned Officer in the said Militia, he may have been reduced according to law.

“53. *And be it further enacted by the authority aforesaid,* That every Sergeant of the Militia duly appointed shall be exempt from serving as Constable for and during such time as he shall hold such appointment as Sergeant.”

“ 22, “ 14—Expunge the 50th clause, and insert, “*And be it further enacted by the authority aforesaid,* That an Act of the Parliament of this Province passed in the forty-eighth year of the reign of King George the Third, entitled, ‘An Act to explain, amend, and reduce to one Act of Parliament the several laws now in being for raising and training the Militia of this Province;’ and also an Act passed in the fiftieth year of the said reign, entitled, ‘An Act for the relief of Minors of the Societies of Menonists and Tunkers;’ and also an Act passed in the fifty-third year of the said reign, entitled, ‘An Act to amend an Act passed in the forty-ninth year of His Majesty’s reign, entitled, ‘An Act for quartering and billeting, on certain occasions, His Majesty’s Troops and the Militia of this Province, and to repeal part of the same;’” and also so much of the first section of the said Act, passed in the forty-ninth year of the said reign, entitled, ‘An Act for quartering and billeting, on certain occasions, His Majesty’s Troops and the Militia of this Province,’ as relates to the payment of the owners of horses, carriages, and oxen; and also an Act passed in the fifty-sixth year of the said reign, entitled ‘An Act to amend an Act passed in the forty-eighth year of His Majesty’s reign, entitled, “An Act to explain, amend, and reduce to one Act of Parliament, the several laws now in being for the raising and training the Militia of this Province;”’ and also an Act passed in the fifty-ninth year of the said reign, entitled, ‘An Act to repeal part of and amend an Act passed in the forty-eighth year of His Majesty’s reign, entitled, “An Act to explain, amend, and reduce to one Act of Parliament the several laws now in being for the raising and training the Militia of this Province;”’ and also an Act passed in the fourth year of the reign of King George the Fourth, entitled, ‘An Act to repeal part of the tenth clause of an Act passed in the forty-eighth year of His late Majesty’s reign, entitled, “An Act to explain, amend, and reduce to one Act of Parliament, the several laws now in being for the raising and training the Militia of this Province;” and also part of an Act passed in the last Session of the present Parliament, entitled, “An Act to repeal part of and amend the laws now in force for the raising and training the Militia of this Province, and to increase the strength of the Companies of Militia,”—shall from and after the passing of this Act be and the same are hereby repealed.”

JOHN B. ROBINSON,

Speaker.

Legislative Council Chamber, }
Third day of March, 1838. }

On the question for the second reading of the amendments to-morrow,

In amendment, Mr. Cartwright, seconded by Mr. Boulton, moves that the amendments of the Honourable the Legislative Council to the Militia Bill be read a second time forthwith, and that the 40th rule of this House be dispensed with so far as relates to the same.

Which was carried, and the Amendments were read the second time.

The House was put into a Committee of the whole on the Amendments.

Amendments read second time and committed.

- Mr. Thomson in the chair.
- Black Rod. The Speaker resumed the chair, Black Rod being at the door.
The Speaker left the Chair.
The Chairman resumed the chair of Committee.
The House resumed.
- Reported amended. The Chairman reported that the Committee had agreed to the amendments with an amendment, and submitted them for the adoption of the House.
The Report was received.
- 3rd reading to-day. *Ordered*—That the Amendments as amended be read a third time this day.
On motion of Mr. Robinson, seconded by Mr. Rykert,
Ordered—That the Address of this House to Her Majesty on the subject of Port Dalhousie be sent to the Honourable the Legislative Council for their concurrence therein.
- Address on Port Dalhousie sent to L. Council.
- Petition of President and Directors of U. C. Bank brought up. Mr. Boulton brought up the petition of the President and Directors of the Bank of Upper Canada, which was laid on the table.
Mr. Boulton, seconded by Mr. Cartwright, moves that the petition of the President, Directors, & Co., of the Bank of Upper Canada, be read this day; and that the 41st rule of this House be dispensed with so far as relates to the same.
- Petition read. Which was carried, and the petition of the President and Directors of the Bank of Upper Canada, praying for authority to the Chartered Banks to issue notes to twice the amount of their paid up capital, notwithstanding suspension of cash payments—was read.
On motion of Mr. Boulton, seconded by Mr. Richardson,
- Petition referred. *Ordered*—That the Petition of the President, Directors, and Company, of the Bank of Upper Canada, be referred to a select Committee, to consist of Messrs. Cartwright and Ferrie, to report thereon by Bill or otherwise.
- Select Com. on above petition report draft of bill to authorise Chartered Banks to issue notes to double amount of paid up capital. Mr. Cartwright, from the select Committee to which was referred the petition of the President, and Directors, of the Bank of Upper Canada, informed the House that the Committee had agreed to report by Bill, a draft of which he was ready to submit whenever the House would be pleased to receive the same.
- Bill read first time. The report was received, and the Bill to authorize the chartered Banks to issue notes to double the amount of their paid up capital during suspension of specie payments, was read the first time.
On the question for the second reading of the Bill to-morrow,
In amendment, Mr. Boulton, seconded by Mr. Ferrie, moves that the Bill be read a second time forthwith, and that the 40th rule of this House be dispensed with so far as relates to the same.
- Bill read 2nd time and committed. Which was carried, and the Bill was read the second time.
The House was put into a Committee of the whole on the bill.
Mr. Shade in the Chair.
The House resumed.
- Reported amended. The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House.
The Report was received.
On the question for the third reading of the bill to-morrow,
In amendment, Mr. Boulton, seconded by Mr. Sherwood, moves that the Bill relating to the suspension of specie payments by the Chartered Banks be engrossed and read a third time this day, and that the 40th rule of this House be dispensed with so far as relates to the same.

Which was carried, and the bill was ordered to be engrossed and read a third time this day. 3rd reading to-day.

Mr. Speaker reported that he had received a communication from Mr. Secretary Joseph respecting the prorogation of the Legislature, which was read as follows :— Speaker reports communication from Mr Secretary Joseph, on the prorogation.

Mr. Joseph has the honor to acquaint the Speaker of the House of Assembly that His Excellency the Lieutenant Governor will proceed from the Government House to-morrow, at 4 o'clock, to prorogue the Legislature. Communication.

GOVERNMENT HOUSE,
Monday, 5th March, 1838.

Mr. Speaker reported that the Master in Chancery had brought down from the Honorable the Legislative Council the bill entitled,— Speaker reports Bill to restrain private Banking, sent down amended by the Legislative Council.

“An Act to repeal part of an Act passed in the seventh year of His late Majesty’s reign, entitled ‘An Act to protect the public against injury from private Banks,’ and for other purposes therein mentioned”—

to which that Honorable House had made some amendments, and requested the concurrence of this House thereto.

The amendments were read the first time as follows :—

Amendments read first time.

Press 1, Line 27—After “whatsoever” insert “except upon a trust in which it shall be satisfactorily shewn to the Court that the said George Truscott and John Cleveland Green, or either of them, are in no degree interested.” Amendments.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Fifth day of March, 1838. }

On the question for the second reading of the amendment to-morrow, In amendment, Mr. Richardson, seconded by Mr. Boulton, moves that the amendments of the Honorable the Legislative Council in and to the bill entitled,—

“An Act to repeal part of an Act passed in the seventh year of His late Majesty’s reign, entitled ‘An Act to protect the public against injury from private Banks,’ and for other purposes therein mentioned”—

be concurred in, and that the Rules of this House be dispensed with so far as relates to the same.

Which was carried, and the amendments were concurred in.

Amendments concurred in.

Messrs. Richardson and Boulton were ordered by the Speaker to carry the Bill up to the Honorable the Legislative Council, and to inform that Honorable House that this House had concurred in the amendments.

Pursuant to the order of the day, the amendments made by the Honorable the Legislative Council in and to the bill sent up from this House, entitled,—

Amendments to Militia Bill read 3rd time and passed.

“An Act to repeal, alter, and amend, the Militia law of this Province”— as amended, were read the third time and passed.

Messrs. Robinson and Sherwood were ordered by the Speaker to carry the Bill up to the Honorable the Legislative Council, and to request that Honorable House to concur in the amendment made by this House in and to their amendments.

On motion of Mr. Cartwright, seconded by Mr. Sherwood,

Ordered—That Messrs. Boulton, Salmon, McDonell of Stormont, and Rykert, be a Committee to meet the Committee of the Honorable the Legislative Council, to know when His Excellency the Lieutenant Governor will be pleased to receive the two Houses with the joint Addresses to Her Majesty relating to the Post Office, and the imposition of an additional duty at the Port of Quebec.

Committee to meet Committee to wait on His Excellency to know when he will receive the two Houses with Addresses to the Queen.

Address to transmit Resolutions to Nova Scotia, read 3rd time and passed.

The joint Address to His Excellency the Lieutenant Governor to transmit the Resolutions on Nova Scotia to the Lieutenant Governor of that Province, was read the second and third times and passed, and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY :

Address.

The Legislative Council and Commons House of Assembly have adopted the accompanying Resolutions, which we respectfully pray Your Excellency will be pleased to transmit to His Excellency the Lieutenant Governor of Nova Scotia.

*Legislative Council Chamber, }
Third day of March, 1838. }*

*Commons House of Assembly, }
5th March, 1838. }*

JOHN B. ROBINSON,
Speaker.

ALLAN N. MACNAB,
Speaker.

Messrs. Sherwood and Robinson were ordered by the Speaker to carry the Address up to the Honorable the Legislative Council, and to inform that Honorable House that this House had concurred therein.

Mr. Sherwood, seconded by Mr. Ferrie, moves that it be

Resolution moved respecting the Adjutant-General's Department.

Resolved—That in the opinion of this House, the Adjutant General's Department should be placed upon a more respectable and efficient footing than heretofore, and particularly as this Province now depends in a great measure upon its Militia for defence and support against the machinations of domestic and foreign enemies; and that this Resolution be communicated to the Honorable the Legislative Council, in order that that Honorable House may be made acquainted with the importance this House attaches to the passing of an Act similar in its provisions to the Bill sent up by this House to the Honorable the Legislative Council, entitled "An Act granting a salary to the Adjutant General of Militia of this Province, and for other purposes therein mentioned:"—

and that the 31st rule of this House be dispensed with so far as relates to the same.

Amendment moved for Committee of Supply on the same subject.

In amendment, Mr. Robinson, seconded by Mr. Rykert, moves that all after the word "moves" be expunged, and the following inserted:—"That the House do resolve itself into a Committee of the whole on supply respecting the Adjutant General's Department; and that the 31st rule of this House be dispensed with so far as relates to the same."

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—26.

Messieurs *Bockus, Boulton, Burwell, Cartwright, Chisholm* of Glengarry, *Cook, Duncombe, Ferrie, Gamble, Kearnes, Malloch, Marks, McDonell* of Northumberland, *McDonell* of Stormont, *McIntosh, McKay, McLean, Parke, Richardson, Robinson, Ruttan, Rykert, Salmon, Shade, Shaver, Thorburn*—26.

N A Y S.

Nays—2.

Messieurs *Aikman, Sherwood*—2.

Amendment carried, majority 24, and the House put in Committee of Supply on the same.

The question of amendment was carried in the affirmative by a majority of twenty-four, and the House was put into a Committee of Supply on the same accordingly.

Mr. Cartwright in the Chair.

The House resumed.

Committee rises.

The chairman reported that the committee had risen.

The Report was received.

At 5 o'clock the House adjourned for two hours.

The House met again, pursuant to adjournment.

Pursuant to the order of the day, the Bill to authorize the Chartered Banks to issue Notes to twice the amount of their paid up Capital, was read the third time.

Bill to authorize Chartered Banks to issue twice the amount of their capital paid up, read 3rd time.

On the question for passing the Bill,

In amendment, Mr. Merritt, seconded by Mr. Rykert, moves, that the Bill do not now pass, but the following clause be added as a rider:—

Rider moved.

“*And be it &c.*, That in case the Governor, Lieutenant Governor, or person administering the Government, should require further aid for the Public Service, the different Chartered Banks which may or have availed themselves of the provisions of this Act, or the Act of last Session, authorising the Suspension of Specie Payments, shall, on the requisition of the Governor, Lieutenant Governor, or person administering the Government, take up the Debentures heretofore authorised to be issued, in the following proportions, and not exceeding the following amounts:—The Bank of Upper Canada, the sum of Fifty Thousand Pounds—the Commercial Bank, the sum of Fifty Thousand Pounds—and the Gore Bank, the sum of Twenty-Five Thousand Pounds; which Debentures shall not bear an interest during the continuation of the Suspension of Specie Payments: *Provided nevertheless* that the said Banks shall not be compelled to resume Specie Payments until the Debentures taken by said Banks, after the passing of this Act, shall be first repaid by the Provincial Government.”

On which the Yeas and Nays were taken as follows:—

Division.

Y E A S.

Messieurs *Aikman, Bockus, Chisholm* of Glengarry, *Cook, Duncombe, Dunlop, McDonell* of Stormont, *McIntosh, Merritt, Parke, Richardson, Rykert, Shade, Shaver, Sherwood, Thomson, Thorburn*—17.

Yeas—17.

N A Y S.

Messieurs *Attorney-General, Boulton, Burwell, Cartwright, Chisholm* of Halton, *Ferrie, Gamble, Kearnes, Malloch, McDonell* of Northumberland, *McKay, McLean, Robinson, Ruttan, Salmon, Woodruff*—16.

Nays—16.

The question of amendment was carried in the affirmative by a majority of one.

Carried, majority 1.

Mr. Burwell, seconded by Mr. Richardson, moves, that it be

Resolved—That an humble Address be presented to His Excellency the Lieutenant Governor, stating that there is reason to believe that measures deeply affecting the future interests of the Provinces of Upper and Lower Canada will be brought under the consideration of the Imperial Parliament during its present Session, and that the presence in England of authorized Agents, deputed by this House, to represent the opinions and wishes of Her Majesty's faithful Subjects residing in Upper Canada, on subjects in which their interests are involved, is of the utmost importance; and praying that His Excellency will be pleased to appoint the Honourable John Beverly Robinson, Speaker of the Honourable the Legislative Council, and the Honourable Allan Napier MacNab, Speaker of the Commons House of Assembly, Commissioners on the part of this House to proceed to England for the purposes before mentioned; and that the 31st Rule of this House be dispensed with so far as relates to the same.

Motion for Address to His Excellency to send Commissioners to England.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Messieurs *Aikman, Burwell, Chisholm* of Halton, *Dunlop, Merritt, Parke, Richardson, Sherwood*—8.

Yeas—8.

N A Y S.

Messieurs *Attorney-General, Bockus, Boulton, Cartwright, Chisholm* of Glengarry, *Cook, Ferrie, Gamble, Kearnes, Malloch, McDonell* of Northumberland, *McDonell* of Stormont, *McIntosh, McKay, McLean, Robinson, Ruttan, Rykert, Salmon, Shade, Shaver, Thomson, Woodruff*—23.

Nays—23.

The question was decided in the negative by a majority of fifteen.

Lost, majority 15.

Mr. Robinson, seconded by Mr. Bockus, moves for leave to bring in a Bill to authorize the Receiver General to raise, by way of loan, on the security of the Provincial Stock, in the Bank of Upper Canada, a sum necessary to meet any deficiency in the Revenue for the present year;—and that the 31st Rule of this House be dispensed with so far as relates to the same.

Bill to authorize loan on credit of Bank Stock, brought in.

- Bill read first time. Which was granted, and the Bill was read the first time.
On the question for the second reading of the bill to-morrow,
In amendment, Mr. Robinson, seconded by Mr. Bockus, moves, that the Bill be read a second time forthwith, and that the 40th Rule of this House be dispensed with so far as relates to the same.
- Bill read second time and committed. Which was carried, and the Bill was read the second time.
The House was put into a committee of the whole on the Bill.
Mr. Salmon in the Chair.
The House resumed.
- Reported without amendment. The chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House.
The Report was received.
- On 3rd reading to-day. On the question for the third reading of the bill this day, the Yeas and Nays were taken as follows:—

Y E A S.

- Yeas—19. Messieurs *Aikman, Attorney-General, Bockus, Boulton, Burwell, Cartwright, Chisholm of Halton, Ferrie, Gamble, Malloch, McDonell of Northumberland, McKay, McLean, Robinson, Ruttan, Rykert, Salmon, Shade, Shaver*—19.

N A Y S.

- Nays—8. Messieurs *Chisholm of Glengarry, Cook, Dunlop, McDonell of Stormont, McIntosh, Parke, Sherwood, Thomson, Woodruff*—8.

- Carried, majority 11. The question was carried in the affirmative by a majority of eleven, and the bill was ordered to be engrossed and read a third time this day.

- Speaker reports bill to negotiate Loan in London sent down amended by Legislative Council. Mr. Speaker reported that the Master in Chancery had brought down from the Honorable the Legislative Council the bill entitled, "*An Act to authorize a loan of money in London, and for other purposes therein mentioned,*" to which that Honourable House had made some amendments, and requested the concurrence of this House thereto.

- Amendments read first time. The amendments were read the first time as follows:—

- Amendments. Press 1, line 4—Expunge from "Debentures" to "be" in line 5.
" 2, " 5—After "direct" insert "and for the best price that can be obtained for the same"
" " 10—After "purchase" insert "and for no other purpose whatever"

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber, }
Fifth day of March, 1838. }

- 2nd reading to-morrow. *Ordered*—That the Amendments be read a second time to-morrow.

- Rider to bill to authorise Chartered Banks to issue twice amount of paid up capital, read 3rd time. Pursuant to the order of the day, the rider to the bill to authorise the Chartered Banks to issue notes to twice the amount of their paid up capital, was read the third time.

- Amendment moved. On the question for passing the bill,
In amendment, Mr. Cartwright, seconded by Mr. Chisholm of *Halton*, moves that the bill do not now pass, but that it be amended by adding after the words "which debentures shall not bear an interest" in the second clause, the following—"exceeding three per cent per annum."

- Division. On which the Yeas and Nays were taken, as follows:—

Y E A S.

- Yeas—13. Messieurs *Aikman, Cartwright, Chisholm of Halton, Dunlop, Ferrie, Kearnes, Malloch, McDonell of Stormont, McKay, Rykert, Salmon, Shade, Woodruff*—13.

N A Y S.

Messieurs *Attorney-General, Bockus, Boulton, Burwell, Chisholm* of Glengarry, *Cook, Gamble, McDonell* of Northumberland, *McIntosh, McLean, Parke, Richardson, Robinson, Ruttan, Shaver, Sherwood, Thomson, Thorburn*—18. Nays—18.

The question of amendment was decided in the negative by a majority of five. Amendment lost, majority 5.

In amendment, Mr. Cartwright, seconded by Mr. Boulton, moves that the bill do not now pass, but that it be amended by striking out the second clause. Amendment moved to expunge 2nd clause.

On which the Yeas and Nays were taken as follows:— Division.

Y E A S.

Messieurs *Aikman, Attorney-General, Boulton, Burwell, Cartwright, Chisholm* of Halton, *Ferrie, Gamble, Kearnes, Malloch, McDonell* of Northumberland, *McKay, McLean, Robinson, Ruttan, Salmon, Shade, Woodruff*—18. Yeas—18.

N A Y S.

Messieurs *Bockus, Chisholm* of Glengarry, *Cook, Dunlop, McDonell* of Stormont, *McIntosh, Richardson, Rykert, Shaver, Sherwood, Thomson, Thorburn*—12. Nays—12.

The question of amendment was carried in the affirmative by a majority of six. Carried, majority 6.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the bill to amend the Road Act. Bill to amend Road Act (2nd) again committed.

Mr. Robinson in the Chair.

The House resumed.

The Chairman reported that the Committee had gone through the provisions of the bill, amended the same, and submitted it for the adoption of the House. Reported amended.

The report was received.

Ordered—That the bill be engrossed and read a third time to-morrow. 3rd reading to-morrow.

Pursuant to the order of the day, the bill to authorize the raising of a loan on the credit of the Bank Stock belonging to the Province, was read the third time. Bill to raise Loan on credit of Bank Stock, read third time.

On the question for passing the Bill, the Yeas and Nays were taken as follows:— On passing,

Y E A S.

Messieurs *Aikman, Boulton, Cartwright, Chisholm* of Halton, *Ferrie, Gamble, Kearnes, Malloch, McDonell* of Northumberland, *McDonell* of Stormont, *McKay, McLean, Merritt, Richardson, Robinson, Ruttan, Rykert, Salmon, Thorburn*—19. Yeas—19.

N A Y S.

Messieurs *Chisholm* of Glengarry, *Cook, McIntosh, Parke, Shaver, Sherwood, Woodruff*—7. Nays—7.

The question was carried in the affirmative by a majority of twelve, and the bill was passed. Carried, majority 12.

Mr. Robinson, seconded by Mr. Bockus, moves that the bill be entitled, "An Act to authorize the Receiver General to raise a sum of money by way of loan on the security of the Provincial Stock in the Bank of Upper Canada." Title.

Which was carried, and Messrs. Robinson and Bockus were ordered by the Speaker to carry the Bill up to the Honorable the Legislative Council, and to request their concurrence thereto.

Pursuant to the order of the day, the bill to authorize the Chartered Banks to issue notes to twice the amount of their paid up Capitals during a suspension of specie payments, was read the third time, as amended. Bill to authorize chartered Banks to issue notes to double amount of paid up capital read 3rd time.

On the question for passing the bill,

Amendment moved.

In amendment, Mr. Bockus, seconded by Mr. Thorburn, moves that the bill do not now pass, but that it be amended by expunging the words "three times the amount of their paid up capital," and inserting "twice the amount of their paid up capital."

Division.

On which the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—16.

Messieurs *Bockus, Chisholm* of Glengarry, *Cook, Gamble, Malloch, McDonell* of Stormont, *McIntosh, McKay, McLean, Parke, Richardson, Robinson, Shaver, Sherwood, Thomson, Thorburn*—16.

N A Y S.

Nays—12.

Messieurs *Aikman, Boulton, Cartwright, Chisholm* of Halton, *Ferrie, Kearnes, McDonell* of Northumberland, *Merritt, Ruttan, Rykert, Salmon, Woodruff*—12.

Amendment carried, majority 4.

The question of amendment was carried in the affirmative by a majority of four.

On passing,

On the question for passing the bill, the Yeas and Nays were taken as follows:—

Y E A S.

Yeas—22.

Messieurs *Aikman, Bockus, Boulton, Cartwright, Chisholm* of Halton, *Ferrie, Kearnes, Malloch, McDonell* of Northumberland, *McDonell* of Stormont, *McKay, McLean, Merritt, Parke, Richardson, Ruttan, Rykert, Salmon, Shaver, Sherwood, Thorburn, Woodruff*—22.

N A Y S.

Nays—6.

Messieurs *Chisholm* of Glengarry, *Cook, Gamble, McIntosh, Robinson, Thomson*—6.

Carried, majority 16.

The question was carried in the affirmative by a majority of sixteen, and the bill was passed.

Mr. Boulton, seconded by Mr. Cartwright, moves that the bill be entitled,

Title.

"An Act to repeal and amend part of an Act passed in the last Session, entitled, 'An Act to authorize the Chartered Banks in this Province to suspend the redemption of their notes in specie, under certain regulations, for a limited time, and for other purposes therein mentioned.'"

Which was carried, and Messrs. Boulton and Cartwright were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

P R E S E N T.

No Quorum.

Messieurs *Aikman, Bockus, Cartwright, Chisholm* of Halton, *Chisholm* of Glengarry, *Gamble, Kearnes, Malloch, McDonell* of Northumberland, *McIntosh, McLean, Parke, Richardson, Robinson, Ruttan, Rykert, Sherwood, Thomson, Thorburn*—19.

At a quarter past eleven o'clock, P. M., the Speaker declared the House adjourned for want of a quorum.

Tuesday, 6th March, 1838.

The House met.

The minutes of yesterday were read.

Pursuant to the order of the day, the amendments made by the Honourable the Legislative Council, in and to the Bill sent up from this House, entitled, "An Act to authorize a Loan of Money in London, and for other purposes therein mentioned"—

were read the second and third times and passed.

Amendments to bill to negotiate Loan in London, read 2nd and 3rd times and passed.

Messrs. Merritt and Rykert were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the amendments.

Pursuant to the order of the day, the Bill to amend the Road Act was read the third time and passed.

Bill to amend Road Act (2nd) read third time and passed.

Mr. Thorburn, seconded by Mr. Shaver, moves, that the Bill be entitled "An Act to continue in force the Act of last Session, entitled 'An Act to alter and amend an Act passed during the last Session of the Legislature, entitled 'An Act granting to His Majesty a sum of Money for the improvement of the Roads and Bridges in the several Districts of this Province'' with certain amendments."

Title.

Which was carried, and Messrs. Thorburn and Shaver were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

The Master in Chancery brought down from the Honourable the Legislative Council several Messages, and an Address to His Excellency the Lieutenant Governor, which that Honourable House had passed, and requested the concurrence of this House thereto.

Messages from Legislative Council, with Address to transmit Address on Port Dalhousie.

The Message was read by the Speaker, as follows:

MR. SPEAKER:

The Legislative Council have acceded to the Address of the Assembly to Her Majesty, relating to the improvement of the Harbour at Port Dalhousie.

Address on Port Dalhousie acceded to.

Legislative Council Chamber, }
Fifth March, 1838. }

JOHN B. ROBINSON,
Speaker.

MR. SPEAKER:

The Legislative Council have passed the accompanying Address to His Excellency the Lieutenant Governor, and request the concurrence of the Commons House of Assembly therein.

Address to transmit Address on Port Dalhousie, sent down for concurrence.

Legislative Council Chamber, }
6th day of March, 1838. }

JOHN B. ROBINSON,
Speaker.

MR. SPEAKER:

The Legislative Council have appointed the Honourable Messieurs Macaulay and Hamilton to be a Committee on their part, who will be ready to meet a Committee on the part of the Commons House of Assembly this day, at twelve of the clock, noon, for the purpose of waiting on the Lieutenant Governor to know when His Excellency will be pleased to receive the two Houses with their Joint Address to Her Majesty relating to the improvement of the Harbour at Port Dalhousie.

Committee appointed to wait on His Excellency to know when he will receive the two Houses with their Address on Port Dalhousie.

Legislative Council Chamber, }
6th day of March, 1838. }

JOHN B. ROBINSON,
Speaker.

The Address to His Excellency the Lieutenant Governor sent down by the Honourable the Legislative Council was read three times and passed, and is as follows:—

Address to transmit Address on Port Dalhousie read thrice and passed.

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

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal subjects the Legislative Council and Commons House of Assembly in Provincial Parliament assembled, have agreed to an humble Address to the Queen relating to the improvement of the Harbour at Port Dalhousie, which we respectfully pray Your Excellency will be pleased to transmit to the Secretary of State for the Colonies, in order that it may be laid at the Foot of the Throne.

Address.

Legislative Council Chamber, }
Sixth day of March, 1838. }

JOHN B. ROBINSON,
Speaker.

Commons House of Assembly, }
Sixth day of March, 1838. }

ALLAN N. MACNAB,
Speaker.

On motion of Mr. Robinson, seconded by Mr. Burwell,

Committee to meet Com-
mittee to wait on His
Excellency respecting Ad-
dress on Fort Dalhousie.

Ordered—That Messrs. Sherwood, Malloch, Rykert, and Salmon, be a Committee on the part of this House to wait on His Excellency to know when he will be pleased to receive the two Houses with their joint Address to Her Majesty relating to the improvement of the Harbour at Port Dalhousie.

Committee to search
Journals of Leg. Council
on bill granting swords
to Messrs MacNab and
Drew, present report.

Mr. McKay, from the Committee to search the Journals of the Honourable the Legislative Council on the subject of the bill entitled,

“An Act granting to Her Majesty a sum of money to provide for the presentation of swords to Colonel McNab and Captain Drew,”

presented a report, which was received and read.

(REPORT—See Appendix.)

Committee to carry up
Address on Contingencies
report answer.

Mr. Robinson, from the Committee to wait on His Excellency the Lieutenant Governor with the Address of this House praying for the payment of the contingencies reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:—

GENTLEMEN,—

Answer.

I shall be happy to comply with the request contained in this Address.

On motion of Mr. Sherwood, seconded by Mr. Ferrie,

200 copies of Report of
Committee to search
Journals of L. C. on
Sword Bill, to be printed.

Ordered—That 200 copies of the report of the Committee appointed to search the Journals of the Honourable the Legislative Council upon the subject of the bill authorising the purchase of Swords for Colonel McNab and Captain Drew, be printed for the use of Members.

Speaker reports Message
from Legislative Council.

Mr. Speaker reported that the Master in Chancery had brought down from the Honourable the Legislative Council a Message, which was read as follows:—

MR. SPEAKER :

St. Lawrence improve-
ment bill passed.

Amendment to amend-
ments of L. Council to
Militia Bill concurred in.

The Legislative Council have passed the Bill entitled, *“An Act granting a certain sum of money to Her Majesty for the purposes therein mentioned,”* without any amendment; and they have acceded to the amendment made by the Commons House of Assembly in and to the amendments of the Legislative Council made in and to the Bill entitled *“An Act to repeal, alter, and amend the Militia Law of this Province.”*

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber,
Fifth day of March, 1838. }

On motion of Mr. Robinson, seconded by Mr. Rykert,

4000 copies of Militia Bill
to be printed.

Ordered—That 4000 copies of the Militia Bill be printed in pamphlet form, with marginal notes, for the use of members, to be distributed for the information of the Militia.

Motion for Com. of whole
to place money at Lieut.
Governor's disposal, to
defray expenses, &c. of
Commission on Losses by
the Rebellion.

Mr. Richardson, seconded by Mr. Robinson, moves that this House do forthwith resolve itself into a Committee of the whole for the purpose of placing at the disposal of His Excellency the Lieutenant Governor a sum sufficient to meet the award of Commissioners authorised to be appointed to investigate the claims of sufferers during the late unnatural rebellion, as well as the expenses attending the Commission authorised—in the full confidence that any sum or sums advanced will be made good by Her Majesty's Government.

Division.

On which the Yeas and Nays were taken, as follows:—

Y E A S.

Yeas—7.

Messieurs *Chisholm* of Halton, *Duncombe*, *Gamble*, *Parke*, *Richardson*, *Robinson*, *Ruttan*—7.

N A Y S.

Nays—21.

Messieurs *Aikman*, *Attorney-General*, *Bockus*, *Boulton*, *Burwell*, *Cartwright*, *Cook*, *Dunlop*, *Ferrie*, *Kearnes*, *Malloch*, *Marks*, *McDonell* of Northumberland, *McDonell* of Stormont, *McKay*, *Merritt*, *Rykert*, *Salmon*, *Shaver*, *Sherwood*, *Woodruff*—21.

The question was decided in the negative by a majority of fourteen.

Lost, majority 14.

On motion of Mr. Marks, seconded by Mr. Rykert,

Ordered—That 1000 copies of the Township Officers' Bill be printed, with marginal notes, for the use of members.

1000 copies of Township Officers Bill to be printed.

The Master in Chancery brought down from the Honourable the Legislative Council a Message, and having delivered the same at the Clerks' Table, retired.

Message from Legislative Council.

The Message was read by the Speaker, as follows:—

MR. SPEAKER :

The contingent expenses of the Legislative Council during the present Session having by some inadvertency been estimated for by the House of Assembly in their Address, before information of their amount had been transmitted from the Legislative Council, an error, it will be perceived, has been committed, in assuming two thousand two hundred pounds to be the amount of the contingencies of the Office of the Clerk of the Legislative Council, when in fact they amounted to two thousand six hundred and eighty pounds seven shillings; and the contingencies of the Gentleman Usher of the Black Rod were erroneously assumed to be three hundred and fifty pounds, when in truth they amounted only to two hundred and seven pounds eight shillings and ten pence.

Message respecting the Contingencies of the Leg. Council having been underrated.

The Legislative Council now send the true amounts, hoping that the errors may be corrected.

JOHN B. ROBINSON,

Speaker.

Legislative Council Chamber, }
Sixth day of March, 1838. }

Contingent Expenses of the Legislative Council for the 3rd Session, 13th Parliament, 1837-8.

Office of Clerk of the House,.....	£2,680	7	0
Office of the Gentleman Usher of the Black Rod,.....	207	8	10
	<hr/>		
	£2,887	15	10

Approved.

JOHN B. ROBINSON,

Speaker.

Mr. Robinson from the Committee to wait on His Excellency the Lieutenant Governor to know when he would be pleased to receive the two Houses with their several joint Addresses to Her Majesty, and this House with its several Addresses to Her Majesty, reported that His Excellency would receive both Houses with their joint Addresses at a quarter before two o'clock, and this House with its Addresses at a quarter past two.

Committee to wait on His Excellency to know when he will receive joint, and other Addresses, report answer.

Mr. Bockus, seconded by Mr. Thorburn, moves that the House do now resolve itself into a Committee of the whole on the contingencies of the Honourable the Legislative Council.

House in Com. on Contingencies of L. Council.

Which was carried, and the House was put into a committee of the whole on the same.

Mr. Boulton in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to a Resolution, which he was directed to submit for the adoption of the House.

Resolution reported.

The Report was received.

The Resolution was adopted, as follows:—

Resolved—That there be granted to Her Majesty, to enable Her Majesty to pay the same to Grant Powell, Esquire, Clerk of the Honourable the Legislative Council, the sum of Four Hundred and Thirty-Seven Pounds Fifteen Shillings and Ten Pence, to complete the payment of the Contingencies of his Office.

Resolution.

On motion of Mr. Bockus, seconded by Mr. Thorburn,

Ordered—That Messrs. Robinson and Thomson be a Committee to draft and report an Address founded upon the foregoing Resolution.

Select Committee to draft Address thereon.

Message from the
Legislative Council.

The Master in Chancery brought down from the Honorable the Legislative Council a Message, and having delivered the same at the Clerk's Table, retired.

The Message was read by the Speaker as follows:—

MR. SPEAKER:—

Bill to authorize loan on
credit of Bank Stock,
passed.

Bill to authorize Chartered
Banks to issue twice
the amount of their capital
paid up, passed.

Common School Bill for
for 1838, passed.

The Legislative Council have passed the Bill, entitled "*An Act to authorize the Receiver General to raise a sum of Money, by way of loan, on the security of the Provincial Stock in the Bank of Upper Canada*"—also the Bill entitled "*An Act to repeal and amend part of an Act passed in the last Session, entitled 'An Act to authorize the Chartered Banks in this Province to suspend the redemption of their Notes in Specie under certain regulations for a limited time, and for other purposes therein mentioned'*"—and also the Bill entitled "*An Act granting a sum of Money for the support of Common Schools for the year 1838*"—without any amendment.

JOHN B. ROBINSON,

Speaker.

Legislative Council Chamber, }
Sixth day of March, 1838. }

Address on Contingencies
of L. Council, reported,
read 3 times and passed.

Mr. Thorburn, from the Committee to draft and report an Address to His Excellency the Lieutenant Governor, pursuant to the Resolution respecting the Contingencies of the Honourable the Legislative Council, reported a draft, which was received and read three times and passed, and is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

Address.

We, Her Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to inform Your Excellency that owing to an error, the sum requested of Your Excellency, in their Address of Saturday last, for the Contingent expenses of the Office of the Clerk of the Honourable the Legislative Council was under estimated, and we do therefore humbly beseech Your Excellency to issue your further warrant in favour of Grant Powell, Esquire, Clerk to the Honourable the Legislative Council, for the sum of Four Hundred and Thirty-Seven Pounds Fifteen Shillings and Ten Pence, which sum Her Majesty's faithful Commons will make good at the next Session of the Provincial Legislature.

ALLAN N. MACNAB,

Speaker.

Commons House of Assembly, }
Sixth day of March, 1838. }

Messrs. Thorburn and Bockus were ordered by the Speaker to wait on His Excellency with the Address, and to present the same.

Both Houses wait on His
Excellency with Addresses
to transmit Addresses.

Speaker reports answers.

At a quarter before two o'clock the two Houses waited on His Excellency the Lieutenant Governor with their joint Addresses to His Excellency praying him to transmit the several joint Addresses to Her Majesty; and being returned, Mr. Speaker reported that His Excellency had been pleased to make thereto, severally, the following Answers:—

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

Answer to Address to
transmit Addresses on
Post Office and additional
Duty at Quebec.

I shall avail myself of the earliest opportunity to transmit to the Secretary of State for the Colonies, to be laid at the foot of the Throne, your joint Addresses to Her Most Gracious Majesty on the subjects of the Post Office Department, and the levying an additional duty on goods imported into Lower Canada.

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

Answer to Address to
transmit joint Address
on Port Dalhousie.

In compliance with your request, I will transmit to the Secretary of State for the Colonies, to be laid at the foot of the Throne, your joint Address to Her Most Gracious Majesty, respecting the improvement of the Harbour at Port Dalhousie.

At a quarter past two o'clock, the House waited on His Excellency the Lieutenant Governor with its Address to His Excellency praying him to transmit the several Addresses to Her Majesty; and being returned, Mr. Speaker reported that His Excellency had been pleased to make thereto the following answer:—

House waits on His Excellency with Address to transmit Addresses to Her Majesty.

Mr. Speaker, and Gentlemen of the House of Assembly:

I will transmit without loss of time, to the Secretary of State for the Colonies, to be laid at the foot of the Throne, your several Addresses to Her Most Gracious Majesty, mentioned in this Address.

Answer

Mr. Bockus, from the Committee to wait on His Excellency the Lieutenant Governor with the Address of this House on the Contingencies of the Honorable the Legislative Council, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:—

Committee to carry up Address on Contingencies of Legislative Council, report answer.

GENTLEMEN,

I shall have great pleasure in complying with the request contained in your Address.

Answer.

Mr. Robinson, from the joint Committee to wait on His Excellency the Lieutenant Governor with the Address of both Houses, requesting His Excellency to transmit the Resolutions respecting Nova Scotia to the Lieutenant Governor of that Province, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:—

Joint Com. to carry up Address to transmit Resolutions to Nova-Scotia, report answer.

Honorable Gentlemen, and Gentlemen:

I shall have great pleasure in transmitting to His Excellency the Lieutenant Governor of Nova Scotia, these joint Resolutions of the Legislative Council and House of Assembly.

Answer.

At 4 o'clock, P. M., Stephen Jarvis, Esquire, Gentleman Usher of the Black Rod, came to the Bar, and delivered His Excellency's commands for the immediate attendance of the House at the Bar of the Legislative Council Chamber, and having retired, the Speaker, Officers, and Members present, forthwith attended at the Bar of the Legislative Council Chamber, when His Excellency was pleased, in Her Majesty's name, to assent to the following Bills, viz:—

Black Rod summons House to the Bar of Leg. Council by His Excellency's commands.

His Excellency assents to the following Bills:

“An Act to authorize the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District.”

Huron District.

“An Act for indemnifying persons who, since the 2d December, 1837, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of High Treason or treasonable practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned.”

To indemnify persons for apprehending those suspected of Treason.

“An Act to prevent the unlawful training of persons to the use of arms and to the practice of Military evolutions and exercises, and to authorise Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.”

To prevent Training.

“An Act to amend an Act passed in the seventh year of the Reign of His late Majesty King William the Fourth, entitled ‘An Act to raise a sum of money to Macadamize the roads leading from Brockville to St. Francis, Charleston, Lyndhurst, Beverly, and Portland, in the District of Johnstown, and to authorise the erection of toll-gates on the said roads.’”

To amend Johnstown District macadamized Road Act.

“An Act to authorize the establishment of Boards of Boundary line Commissioners within the several Districts of this Province.”

To establish Boards of Boundary Commissioners.

- To regulate costs of levying distresses. "An Act to regulate the costs of levying distresses for small rents and penalties."
- Dalhousie District. "An Act to erect certain Townships, now forming parts of the District of Bathurst, Johnstown and Ottawa, into a separate District, to be called 'the District of Dalhousie,' and for other purposes therein mentioned."
- To amend Toronto Incorporation Act. "An Act to remove doubts respecting the validity of the late Elections for the Aldermen and Common Councilmen of the City of Toronto."
- Machinery protection. "An Act to protect the public against accidental injury from Machinery used in Mills, and for other purposes."
- To postpone sale of lands for taxes. "An Act to postpone the Sale of Lands in arrear for Taxes."
- Kingston Railway Co. "An Act to incorporate sundry persons under the name of the 'Kingston Marine Railway Company.'"
- Waterloo Bridge Co. "An Act to incorporate certain persons under the style and title of the 'Waterloo Bridge Company.'"
- Talbot Tax. "An Act to authorize the Justices of the Peace of the District of Talbot to levy an additional Assessment to liquidate the cost of the erection of the Gaol and Court-House for that District, and other purposes therein mentioned."
- Bond Head Harbour. "An Act to incorporate certain persons under the style and title of the 'Bond Head Harbour Company.'"
- Johnstown District Gaol. "An Act to authorize the erection of a Gaol and Court House at Brockville, in the District of Johnstown."
- Township Officers. "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers."
- Traitors' attainder. "An Act to provide for the more speedy attainder of persons indicted for High Treason who have fled from this Province, or remain concealed therein, to escape from justice."
- To cover expenses of two last Sessions. "An Act to make good certain Moneys advanced in compliance with the Addresses of the House of Assembly during the first and second Sessions of the present Parliament, for the contingent expenses of the Legislature of this Province."
- To amend Welland Canal Charter. "An Act to amend the Charter of the Welland Canal Company."
- Grantham Navigation Co. "An Act to incorporate sundry persons under the style and title of the 'Grantham Navigation Company,' and for other purposes therein mentioned."
- Bill to convey road allowance to Mr. MacNab. "An Act to authorize the Surveyor of Highways in and for the County of Wentworth to convey to Allan N. MacNab, Esquire, certain allowances for Road in the Township of Barton, in the District of Gore."
- To exempt Hastings from operations of Gaol Bill. "An Act to exempt the District of Hastings from the operation of a Bill passed during the present Session to regulate the future erection of Gaols in this Province."
- To amend Chancery Act. "An Act to amend an Act entitled 'An Act to establish a Court of Chancery in this Province.'"
- Windsor Road Company. "An Act to incorporate certain persons under the style and title of the 'Windsor Road Company.'"
- To amend the law respecting Hilary Term. "An Act to amend so much of an Act passed in the seventh year of His late Majesty's Reign, entitled 'An Act to increase the present number of the Judges of His Majesty's Court of King's Bench in this Province, to alter the terms for the sitting of the said Court, and for other purposes therein mentioned,' as relates to Hilary Term."
- Mrs Moodie's Pension. "An Act to grant a pension to the widow and children of the late Colonel Robert Moodie."
- To increase salary of Mr. Smith, Penitentiary Warden. "An Act to enable Her Majesty to remunerate Henry Smith, Esquire, Warden of the Provincial Penitentiary, for past services performed, and disbursements made by him, and to increase the salary of that Officer."

- “An Act to provide for the erection of a new Gaol at the Town of London, in the District of London.” London Gaol.
- “An Act to provide a pension to the widows of the late Captains James MacNab and William Church.” MacNab and Church Pension.
- “An Act to amend and reduce into one Act the Militia Law of this Province.” Militia regulation.
- “An Act to incorporate the Town of Kingston under the name of ‘The Mayor and Common Council of the Town of Kingston.’” Kingston incorporation.
- “An Act authorizing the payment of pensions to certain Militiamen disabled during the late War with the United States of America, under certain restrictions.” Militia Pension, (last American war.)
- “An Act to enable the Government of this Province to extend a conditional pardon in certain cases to persons who have been concerned in the late insurrection.” To pardon rebels conditionally.
- “An Act to authorize a loan of money in London, and for other purposes therein mentioned.” Loan in London.
- “An Act to prevent the Receiver General from advancing any further sum on loans for certain public works until the interest is paid thereon.” To prevent advances to works in arrear.
- “An Act to provide pensions for the widows and children of Militiamen killed during the late rebellion, and for other purposes therein mentioned.” To provide pensions for widows of militia-men killed in the rebellion.
- “An Act to authorise the admission of John Prince, Esquire, to practise as a Barrister and Attorney within this Province.” To authorise Mr. Prince to act as Barrister and Attorney.
- “An Act to alter the mode of payment of wages to members of the House of Assembly.” Members' wages.
- “An Act granting a retired allowance to Colonel Coffin, Adjutant General of Militia.” Col. Coffin's retired allowance.
- “An Act to authorize the levying an additional tax on the inhabitants of the County of Simcoe, for the purposes therein mentioned.” Simcoe Tax.
- “An Act granting a Pension to Sheppard McCormick, Esquire.” McCormick's Pension.
- “An Act granting a sum of money for the support of Common Schools, for the year 1838.” Common Schools for 1838.
- “An Act granting a certain sum of money to defray the expenses of the Civil Government for the year 1838, and for other purposes therein mentioned.” Supply for 1838.
- “An Act to make further provision for the support and regulation of the Provincial Penitentiary.” Penitentiary support.
- “An Act to afford relief to the sick and destitute poor of the City of Toronto.” To relieve sick and destitute of Toronto.
- “An Act to authorise the appointment of Commissioners to investigate the claims of certain inhabitants of this Province for losses sustained during the late unnatural Rebellion.” To appoint Commission on Losses.
- “An Act to provide for continuing the improvement of the Lake Road west of the City of Toronto.” Lake Road improvement.
- “An Act granting to Her Majesty a sum of money for the erection of a Dwelling House for the Keeper of the Point Peter Light House.” Point Peter Light-house keeper's dwelling.
- “An Act authorizing the payment of certain sums of money to sundry persons, for expenses incurred in the erection and completion of the Public Buildings.” To pay sums due for work in Public Buildings.
- “An Act granting a sum of money to William Hust, as a compensation for loss of time, in consequence of a wound received by him while engaged in capturing a band of Rebels.” To reward William Hust.
- “An Act granting to Her Majesty a certain sum of money for the purposes therein mentioned.” Farrell's remuneration.

- St. Lawrence improvement. "An Act granting a certain sum of money to Her Majesty, for the purposes therein mentioned."
- Private Banks' restriction. "An Act to repeal part of an Act passed in the seventh year of His late Majesty's Reign, entitled 'An Act to protect the public against injury from Private Banks,' and for other purposes therein mentioned."
- To negotiate loan on Bank Stock. "An Act to authorize the Receiver General to raise a sum of money by way of loan on the security of the Provincial Stock in the Bank of Upper Canada."
- To amend act for suspending Specie payments. "An Act to repeal and amend part of an Act passed in the last Session, entitled "An Act to authorize the Chartered Banks in this Province to suspend the redemption of their Notes in Specie, under certain regulations for a limited time, and for other purposes therein mentioned."

His Excellency addresses the two Houses.

His Excellency was then pleased to Address the two Houses with the following most gracious

S P E E C H :

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

Speech at close of Session.

Considering the circumstances under which you were hastily assembled, it is satisfactory to me to observe that you have been enabled, notwithstanding occasional anxiety from attempted invasions of our frontier, to give your deliberate attention to the public interests, and to mature some valuable measures.

The Act for the amendment of the Militia Law, will, I trust, remove any obstacles that may have prevented the full efficiency of a force, upon which this Province must principally rely for its safety and independence. The other measures which late events have induced you to adopt, will be found, I doubt not, well suited to the exigency; and nothing can be more satisfactory than the readiness and unanimity with which the Legislature have applied themselves to meet the emergencies of the present remarkable crisis.

Gentlemen of the House of Assembly :

I thank you for the Supplies which you have granted for the support of the Civil Government during the present year.

It is much to be lamented that at a moment when the disturbed state of Lower Canada, and the depression of commerce occasioned by it, must tend materially to diminish our revenue, the necessity for new charges should be created to an inconvenient extent, by the unexpected hostility of our allies, which has forced us, for a continued length of time, into a state of actual warfare along the whole extent of our frontier.

Honorable Gentlemen, and Gentlemen :

I regret to say that there still exists among a portion of the American people, so strong a desire to force upon the free inhabitants of this Province, republican institutions, that with scarcely an exception every Government arsenal from Lake Champlain to Lake Michigan, has within the last two months been broken open and plundered, to furnish arms for the invasion of this portion of the British Empire; and, however the circumstance may be explained, it is certainly a remarkable fact, that all these robberies have been effected without the sacrifice of a single life, and without even the imprisonment of the person who is notoriously the instigator of these acts.

The wrong which citizens of the neighbouring States have committed, by thus attempting to dictate to the inhabitants of Upper Canada the form of Government under which they are henceforward to exist, will, as the assertion of a new theory, be condemned by the civilized world as severely, as in practice it has been repudiated by the people of this Province.

What right, it will be calmly asked, have the inhabitants of one country, armed with the artillery and weapons of their Government, to interfere with the political institutions of another? What excuse, it will be gravely considered, had citizens of the United States for invading the territory of Upper Canada?

When our coloured population were informed that American citizens, sympathising with their sufferings, had taken violent possession of Navy Island, for the double object of liberating them from the domination of British rule, and of imparting to them the blessings of republican institutions, based upon the principle that all men are born equal, did our coloured brethren hail their approach? No! on the contrary, they hastened as volunteers in wagon loads to the Niagara frontier to beg from me permission, that in the intended attack upon Navy Island they might be permitted to form the forlorn hope—in short they supplicated, that they might be allowed to be foremost to defend the glorious institutions of Great Britain.

When the mild Aborigines of this Continent, who live among us uninjured and respected, were informed that citizens of the United States, disregarding the wampum belt which was sacredly

connecting them with Great Britain, had invaded our shores to sympathise with the sufferings of the red tenants of the forest, and to offer them American friendship instead of the enmity of British rule, did our Indian brethren hail their approach? No! their chiefs and warriors instantly painted their faces for battle, and with rifles in their hands these free-born defenders of their virgin soil appeared before me with a solitary request, namely, that in case of their death their wives and children might be pensioned. The Six Nations Indians, the Mississaguas, the Chippawas, the Hurons, and Ottawas, spontaneously competed with each other in a determination to die, if necessary, in defending the British Government, under whose parental protection they and their fathers had been born.

Speech at close of Session.

When the Canadian farmers and yeomen of British origin were informed that citizens of the United States, sympathising with their sufferings, had in three instances taken forcible possession of Her Majesty's territory, for the purpose of liberating them from British domination,—that, with this object in view, the American leaders had issued proclamations promising to each liberator three hundred acres of the best lands of Upper Canada, with one hundred dollars in silver,—that the American self-styled General in command of the liberators had called upon the citizens of Upper Canada “to free their land from tyranny”—“to rally round the standard of Liberty”—“to lay down their arms”—in which case, it was beneficently promised to them, that “their persons and property should be protected,” and that if they would “cease resistance, all would be well with them,”—did the Canadian inhabitants hail their approach? No! on the contrary, their brave and loyal militia, although totally deprived of the assistance of Her Majesty's regular troops, rose simultaneously, and regardless of every private consideration, wherever the invaders appeared, thousands of bayonets were seen bristling on our shore, ready to receive them. On the eastern, as well as on the western frontier, but one feeling prevailed,—it was a noble determination on the part of freemen, to conquer or die in the defence of their religion—their constitution—their character—their families—and their farms: yet notwithstanding their excited feelings, when the American citizens, who, from an armed schooner, had cruelly battered the town of Amherstburgh, fell into the hands of the brave militia of the Western District, (in which not a single rebel had been in arms,) did these prisoners fall victims to popular fury, or were they even insulted? No! the instant our invaders surrendered to British power, they experienced that mercy which adorns the British name—their wounds were healed at our hospitals—and from the western extremity of Upper Canada, they were conducted unharmed through the Province, safe under the protectingegis of our laws!

When a band of rebels, defeated in their cruel object to reduce this capital to ashes in the depth of a Canadian winter, were, after the conflict at Gallows Hill, brought to me as prisoners on the field, was any distinction made between American born and our other Canadian subjects? No! all were released. Before the assembled Militia of Upper Canada all were equally pardoned; and though many of our brave men, smarting under feelings natural at the moment, evidently disapproved of the decision, yet all bowed in obedience to the administrator of their laws, and, under the noble influence of Monarchical Government, they allowed their assailants to pass uninjured through their ranks.

When the gallant inhabitants of the Provinces of New Brunswick and Nova Scotia received intelligence that American citizens had commenced an attempt to free the British North American Colonies “from the tyranny of British rule,” did they rejoice at the event? No! a burst of loyalty resounded through their lands, and a general desire to assist us was evinced.

If Upper Canada were merely a young, healthy Province, with no protection on the Continent of America but its character, its industry, and the agricultural difficulties it has to contend with—its filial attachment to its Government—the bravery it has shewn in its defence—and the mercy it has extended to its captured assailants, ought to be sufficient to make its aggressors ashamed of their late attempt to force upon their neighbours, institutions which they conscientiously and unequivocally reject. But when it is considered that Upper Canada is an integral portion of the British Empire, and that the two countries are at this moment bound together by a solemn treaty of peace, the faithless attack of citizens of the United States upon the Province, after it had completely quelled a slight domestic insurrection, will, if persisted in, excite feelings among the generous nations of Europe, which will add but little to the character of republican institutions: for surely the smile of a nation should not be more dreaded than its frown, nor its extended hand be more fatal than its uplifted arm.

When the facts just stated are clearly comprehended by intelligent men, how will the American citizens, who have so wantonly attacked the British Empire, find it possible to explain, that the Province of Upper Canada required them to interfere in its concerns?

But it seems now to be admitted, that our invaders have been deceived—that they falsely estimated the Canadian people—and that they have at last learned that the Yeomen, Farmers, Militia, Indians, and Coloured population of this Province, prefer British Institutions to Democracy; nevertheless, as an *ex post facto* excuse for the sinful and repeated invasion of the Province, it is urged that the crew of the Caroline steam-boat, which was captured more than fourteen days after Navy Island had been forcibly taken from us, have been “assassinated,” and that “an extraordinary outrage” has been committed upon the Americans by our Militia, who so ably and gallantly cut out that pirate vessel.

If Navy Island had been violently taken possession of by Canadian rebels, instead of by a body of Americans, armed, fed, and commanded by American citizens,—if these Canadian rebels had then thought proper to invade the United States—to break open half a dozen of their State arsenals—to rob each of many hundred stand of arms—to plunder from the American Government twenty-two pieces of cannon—and to set the laws and authorities of the Republic at defiance,—

Speech at close of
Session.

could any reasonable man declare, that we should offer, or that we could be supposed to intend to offer, any offence to our allies, if, in a moment of profound peace, we were to pursue in the Niagara River, the guilty vessel which had transported to the Island these American arms, and capture her, whether she were in British waters, in American waters, moored to the British shore, or to the American shore? Would it not be our bounden duty to the American people, to capture this pirate vessel?—and if we were to fail to do so, might not our allies hold us responsible for acts of such unprovoked aggression committed upon them by British subjects, inhabiting a British Island?

Again, supposing that the Americans were to co-operate with us (as under such circumstances of course they would have done,) in chasing this pirate vessel, could it be supposed for a moment, that each power would only be permitted by the other to capture her, so long only as she continued in their own half of the River; and that if our British boat-men, at the peril of their lives, were to capture the vessel in American waters, or on the American shore, it would be considered by the Americans as a “violent outrage”? There can be no doubt in the mind of any reasonable man, that we should only perform our duty to the Americans, by destroying a vessel belonging to our own Islanders, which had so grossly insulted them—which had completely overpowered their Government—and which in a moment of peace, had so flagrantly violated the laws of nations. And if we should be justified in capturing the vessel of our Islanders, on account of the wrongs they had perpetrated upon the American nation, surely we have additional right to do so on our own account, if the twenty-two pieces of cannon forcibly wrested from the American Government, had not only been employed for a fortnight, in firing from the Island upon the peaceable subjects of Her Majesty, but to our certain knowledge, were about to be transported to our main land for the purpose of committing murder, arson, and robbery in this Province!

It is, however, declared by our allies, that because these lawless possessors of our Island turned out to be American citizens; and because their own Government was totally unable to control them, the capture of their vessel by us, became a “violent outrage”!

It would not have been considered by them an outrage, had we, by force of arms, prevented Canadian Islanders from violating American arsenals—from insulting American authorities—and from firing twenty-two pieces of the United States cannon upon British subjects; but it *is* considered as an outrage for us to prevent an *American* vessel from enabling *American citizens* to commit these unparalleled aggressions.

In the history of this Province, the capture of the *Caroline* (whoever might have been her crew,) will, I maintain, be respected by future ages, as a noble proof of the sincerity of the Canadian people to fulfil their engagements, by crushing a pirate force, which, in violation of existing treaties, was insulting from a British Island, their American allies, and which General Arcularius, Governor Mason, Governor Marcy, the President and Legislature of the United States, had absolutely found too powerful for the Executive force of the Republic to control.

The fact that the pirate force was composed of and commanded by American citizens, adds to the aggression committed against the Canadians, but subtracts nothing from the crime of robbery perpetrated upon the United States arsenals, unless indeed the American people, or the American authorities, should deem it proper to declare that it was no robbery at all, for that the aggression was approved of, that the State cannon and State muskets were knowingly and wilfully lent to the invaders of Navy Island, for the purpose of forcing republican institutions upon the people of Upper Canada, and that under these circumstances (which are incredible) the attack of Canadian Militia upon the American citizens who were on board the *Caroline*, was “an extraordinary outrage.”

But supposing for a moment this false reasoning to be unanswerable—supposing even that the commission of the outrage were to be admitted by the Canadians—and that it were also to be admitted by them that the capture, by Canadians, of a small steam-boat moored to the American shore, was an outrage, equal in magnitude to the capture of Navy Island by American citizens, still to make the Canadian outrage as flagrant as that which had been committed upon us by citizens of the United States, it would have been necessary for the Canadians, after they had taken possession of the *Caroline*, to have fired from her deck with twenty-two pieces of cannon, for more than a fortnight, upon the American shore; and even then, though the outrages would certainly have been rendered apparently equal, still the former would have been an outrage of retaliation upon an enemy, the latter an outrage of unprovoked attack upon a friend.

There are two facts which the American nation have not power to deny.

1st.—That it is their interest as well as their duty to fulfil their treaties.

2nd.—That if their people be permitted to rob the United States arsenals in order to invade a friendly power, the lawless body will very soon find out, that it is easier to plunder their own wealthy, defenceless citizens, than the poor, brave, well-armed people of Upper Canada.

I have felt it to be the especial duty of the legislative station I hold, not only to protest against the unprincipled invasion of this Province by its allies, but to vindicate the inhabitants from the unreasonable accusation, which, without due enquiry, was made against them by the Federal Government of the United States, of having “assassinated” the crew of the *Caroline*.

The memoir of the attack which has just been made upon us, offers a moral to the Mother Country which I feel confident will create throughout the Empire considerable sensation; for although the old country is not without its share of human misapprehension and prejudice, particularly as regards its transatlantic possessions, yet when facts are clearly submitted to it, its judgment is always sound, and its verdicts nobly impartial.

The struggle on this continent between Monarchy and Democracy has been a problem which Upper Canada has just solved. Speech at close of Session.

It had been very strongly argued, even in England, that Democracy was the only form of Government indigenous to the soil of America, and that Monarchy was a power which required here artificial support.

With a view to subvert this theory, the whole of the Queen's troops were allowed to retire from the Province, and the result, as had been anticipated, was, that the people of Upper Canada were no sooner left uncontrolled, than they proclaimed themselves in favour of monarchical institutions. Surrounded by temptations on almost every side, they indignantly rejected them all; in a few hours they successfully put down insurrection in their own land, and when American citizens, astonished as well as disappointed at their loyalty, determined to *force* them to become Republicans, people of all religions and of all politics rushed to the frontier to die in defence of their glorious Constitution.

The conduct of the Militia of Upper Canada attracted the attention of the gallant and loyal inhabitants of New Brunswick and Nova Scotia, whose Legislatures have done themselves as well as this Province the honour of promptly expressing their unqualified approbation of the attachment which has been evinced here to the British Constitution.

When these facts shall arrive before the English people, and when they shall also have taken into their consideration the devoted and unalterable attachment which the British population of Lower Canada have evinced for our revered institutions, surely they will come to the conclusion, that the concurrent opinions of Her Majesty's North American Colonies, respecting the relative advantages between Monarchy and Democracy in America, must be sounder than their own can be, inasmuch as eye-witnesses judge more correctly than people can possibly do who are living 4,000 miles off.

The people of England will, I trust, not fail to admire the calmness, the resolution, the generosity, and the honourable subjection to their laws, which have distinguished the inhabitants of Upper Canada; and on the other hand they certainly cannot fail to observe, that the republican project of our English Reformers, namely, to make the people bit by bit responsible only to themselves, has ended in America by the Government of the United States confessing its total inability to restrain the passions of its citizens, to guard its State arsenals, or to maintain its treaties with its oldest and most natural ally.

Lastly—the British people will, I trust, observe with considerable alarm, that the leading advocates for organic changes in our institutions, are either at this moment lying in our jails as traitors, or from having absconded, are self-banished from the Province;—in short, that their pretended efforts to obtain in Upper Canada what they called “LIBERTY FOR THE PEOPLE,” has ended in a most infamous and self-interested attempt to plunder private property, rob the banks, and burn to ashes the rising capital of their country!

With this experience before our eyes, I must confess I join with the Legislature and people of Upper Canada, in shuddering at the abused name of “*reform*,” just as we now recoil with abhorrence, when we hear suddenly pronounced the word “*sympathy*.”

As my successor is hourly expected here, I return to the Mother Country as I left it, totally unconnected with party or with politics; but in retirement I shall remember the lessons which the people of Upper Canada have taught me: and I feel it my duty to declare, that I leave the Continent of America with my judgment perfectly convinced, that the inhabitants of Europe, Asia, and Africa, are right in their opinion that all men are not by nature equal—that the assertion of the contrary in America is a fallacy—and that talent, industry, and character, must elevate individuals as they do nations, in the graduated scale of society.

May the resplendent genius of the British Constitution ever continue to illuminate this noble land; and, animated by its influence, may its inhabitants continue to be distinguished for humility of demeanor—nobility of mind—fidelity to their allies—courage before their enemy—mercy in victory—integrity in commerce—reverence for their religion—and at all times, and under all circumstances, implicit obedience to their laws.

Honorable Gentlemen, and Gentlemen:

FAREWELL!

After which the Honorable Speaker of the Legislative Council declared that it was His Excellency's pleasure that this Parliament be prorogued to Thursday the twelfth day of April next. Parliament prorogued to 12th April.

JAMES FITZGIBBON,
Clerk of Assembly.

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Kellogg, Elijah, J. P., and 171 others of Ottawa	188	Kearnes	212			
Kirby, Andrew T., and 6 others	280	Shade	281	282		
Lachlan, Robert, Esq., Sheriff, Western District	295	Prince	320	320		
Lee, Priscilla, of the Township of York	228	Ruttan	229	230		
Lesslie, Robert, and 625 others, of Johnstown and Eastern Districts	188	Norton	212			
Linfoot, John, County of York, 310	179	Sol. General	194	194		354
Lockhart, James, and 76 others, Town of Niagara	143	Rykert				
McNab, Allan N., Esquire, of Hamilton	188	Ferrie	188	189	195	
McBain, Richard of Charlottenburgh	325	McLean	339			
McDermid, Donald, late Lt. 1st Glengarry Militia	112	McLean	125	{ 151 289		
McDonell, Duncan, Esquire, Greenfield	158	Jarvis	158	158		
McGill, the Hon. P., Montreal Constitutional Soc'y	70	McKay	72	72		
McGillivray, Angus, and 263 others, of Lochiel and Kenyon	175	McKay	188	189	297	
McGregor, Duncan, Esquire, and 34 others, Western District	268	Prince	281	281		
McKenzie, Donald, J. P., and 37 others of Tyendinaga	273	Manahan	289	289		
McKenzie, John, and 100 others of Ancaster	292	Aikman	309			
McLaurin, John, and 62 others, Gloster, Ottawa District,	188	McKay	212	269		
Maddock and Hamilton, Toronto, 350,	325	Burwell	325	325		
Maddock, John Ford,	19	Gowan	23	23	29	
Manahan, Anthony, Esq. Kingston,	53	Gowan	65	65		
Manners, George, and 17 others, Newcastle Dist.,	53	Boulton	65	65	77	
Mathewson, and 112 others,	175	Marks	188	189		
Mentz, Lesslie B., and 138 others, of York and Haldimand,	212	Aikman	218	218		
Mercer, Robert, Esq. and 32 others, Niagara Railroad Company,	280	Prince	293			
Milburne, Thos., and 107 others of Peterborough,	322	A. McDonell	334			
Millar, George, and 196 others, County York, ..	325	Thomson	325	325		
Morse, Abisha, and 35 others, Niagara District,	280	Woodruff	293	310		
Myers, George, and 17 others, of Ancaster,			412			
Nelles, Elijah, of Blanford,	228	Merritt	269	282	311	
Nichol, Stewart, and Thomas Scott,	137	Morris	154	159	337	

PETITIONS:	Brought up.	Name of Member presenting Petition.	Read.	Referred.	Reported on	
					By Bill.	By Rep't.
Nicholson, Mary, of the City of Toronto, ..	358	Sol. General	383			
Nicklen, Daniel, and 122 others, of Waterloo, &c.	158	Shade		180	195	
O'Brien, Edward, and 112 others, of Simcoe, ..	334	Robinson	335	335		339
Ogden, William, City of Toronto, ..	322	Thorburn	334			
Parker, Robert, and 30 others, of King, ..	179	Robinson	194			
Parker, Thomas, J. P., and 4 others, of Hastings,	216	Manahan	218	218	219	
Parmenter and Potter, Gananoque, ..	288	Morris	295	310	323	
Peterson, H. W. & Co., Proprietors Canada Mu- seum ..	137	Shade	154	159		
Phillips, Rev. Dr.	179	Robinson	194			
Pier, Calvin, and 36 others ..	33	Bockus	38	39	73	
Pierson, James, and 28 others, of Hillier, P. E. ..	75	Bockus		102		
Police of Hamilton, Gore District ..	216	Ferrie		230	270	
Powell, Bailey and Cairns ..	228	Sol. General	229	230		354
President and Directors of Upper Canada Bank	436	Boulton	436	436	436	
Pruyn, A. V. V.	75	Bockus		101	102	
Racey, James, and 247 others, Gore District	295	Aikman	310	310		327
Reid, H. S. and 34 others, of Darlington	137	Boulton	154	154	161	
Reid, John, of Hamilton	350	Aikman	376			
Rich, William Bennett, and 496 others ..	19	Dunlop	27	28	34	
Richards, Light-house, Keeper, Point Petre	53	Bockus	65	66		114
Ritchie, David Hood, and 184 others, of Bayfield	233	Dunlop	274		340	
Robinson, James, of Toronto	292	Sol. General	309	320		354
Ross, Roderick, and 39 others, Prince Edward	180	Bockus	194			
Rust, Charles, of Bayham, London District	188	Burwell	212			
Ryan, John, of York ..	143	Thomson	158	159	191	
Ryerson, Egerton (the Rev.)	228	Armstrong	229	230		
Saint John, Alpheus, Commis'r Dunville Bridge	268	Merritt	281	282		
Salmon, G. C. J. P., and 287 others, Talbot Dist.	76	Shade		102	103	
Scarlet and Jarvis, Esquires, Home District ..	280	Thomson	293	294		
Scarlet, John, and 296 others, County of York	280	Gamble	293	293		
Scollick, Wm., J. P., and 101 others, Halton ..	58	Shade	72	73	102	
Slater, W. T. of the Township of Darlington ..	105	Elliott	119			
Smith, Christopher, and 97 others, of Lincoln and Haldimand ..	222	Merritt	234			
Smith, Henry, Warden Provincial Penitentiary ..	76	Thomson		102		160
Smith, Terence, and 11 others, of Grenville	180	Sherwood	194			
Somerville, James T., and 47 others, of Whitby	112	McIntosh	125	125	190	
Somerville, James T., and 58 others, of Whitby	118	McIntosh	133	138	155	
Stanton, James., of Niagara ..	228	Thorburn	269	269		
Steele, John, Esquire, Chairman Quarter Sessions, Newcastle District ..	101	Boulton	113			
Stinson, Joseph, and 15 others ..	175	Cartwright	188			
Story, and 43 others, of Oxford, Johnstown Dist.	46	Sherwood	60			
Strachan, John, D. D., and others, Commissioners House of Industry ..	112	McLean	125	126		340
Strobridge, Nancy, (widow of J. G. Strobridge)	175	Ferrie	188	{ 189 } { 194 }		224
Stull, and Lampman, of Niagara District ..	216	Rykert	229	230		
Swetman, Jas., Light House Keeper, False Ducks	222	Bockus	234	274		

PETITIONS:	Brought up.	Name of Member presenting Petition.	Read.	Referred.	Reported on	
					By Bill.	By Rep't.
Taylor, E. C., and 4 others	20	Dunlop	27	28		
Taylor, E. C., and 4 others	20	Dunlop	28			
Thompson, David, and 104 others, Co. Haldimand	158	Rykert	180	180		
Trustees Ancaster Literary institution	292	Aikman	309	310		
Trustees Hamilton and Brantford Road	359	Aikman	369	369		
Usher, Edgeworth, of Niagara District	334	Richardson	335	335		354
Vidal, R. E., and 53 others, County of Kent	216	Cameron	226	226	233	
Ward, Thomas, Colonel, Durham Militia		Ruttan	325	325		339
Washburn, Margaret, of Toronto	228	Sol. General	229	230		354
Weller, William, and 124 others, of Newcastle District	105	Boulton	119	133		
Wilkins, R. C., J. P., and 44 others, Hillier, (P. E.)		Bockus		223		
Williamson, John, and 75 others, of Barton and Saltfleet	75			102		
Wragg, Thomas B., and 5 others	228	Aikman	269	269		
Wright, John, and 19 others, of Talbot District..	268	Malloch	281	293		
Wright, Sarah, City of Toronto	188	Burwell		212		
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